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# EXODUS OF THE WESTERN NATIONS.

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# EXODUS

OF

# THE WESTERN NATIONS.

BY VISCOUNT BURY, M.P.

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IN TWO VOLUMES.

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# EXODUS

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## CHAPTER I.

### ACADIA AND CANADA.

[1689—1713.]

Early fortunes of Acadia—The Baron de St. Castin—French Plan of Colonization—Military Settlements in Canada—M. Talon—M. de Frontenac—M. de Denonville—M. de Callières—M. de Vaudreuil.



THE first Frenchmen who established themselves in Acadia were fishermen, who wintered on the coast and pursued their trade in the summer; they were joined by traders, soldiers, artizans and labourers, who, from time to time, arrived in the train of leaders to whom the fortunes of the colony were intrusted. Port Royal was established in 1604. The French government, entirely ignoring the settlements of the English, Dutch, and Spaniards, conveyed to M. de Monts the whole of North America, from the pole to the tropics; nor did they appear to be under any apprehension that they were taking too large a view of the limits of their power.

1604

CHAPTER I.

1606

M. de Monts transferred his right over Acadia to M. de Poutricourt, who, in 1606, took out to Port Royal a complete expedition, comprising artificers of every kind, and a considerable number of agricultural labourers.

The new colony almost immediately commenced the vicissitudes which afterwards beset its career. The English looked with jealousy upon fortifications which commanded the entrance of their harbours, and attacked the French before they had time to thoroughly establish themselves. The log-huts of the settlers were soon repaired, and the scattered colonists left their hiding-places, whither they had been driven by the marauders. But for fifty years they remained exposed to constant attack; sometimes from the Indians, sometimes from a succession of adventurers, who, under the pretence of claiming seigneuries granted by the Crown of France, kept up a perpetual state of disturbance. The whole country presented nothing but a series of mountain fastnesses and desert solitudes; it was divided, like the fertile soil of France itself, into seigneuries: each seigneur, assembling his ragged vassals, waged a war of extermination against his neighbours, without other interference from home than the occasional grant of a new patent, and the arrival of a new noble to take his share of the disturbance. The most powerful of these new-world seigneurs had not at their disposal more than twenty or thirty men.* Each constructed for himself a little citadel and fortified post; each devoted himself only to the destruction of his neighbours, and did his

* Rameau, France aux Colonies, p. 21.

best to paralyse the development of his adopted country. CHAPTER I.

During the time of Cromwell, an English expedition took possession of Port Royal and the greater part of Acadia. One of the principal seigneurs, M. de Latour de Saint Etienne, who had established himself at Cap de Sable, provided himself with a patent both from the French and English: he made such interest with Cromwell that he obtained from the Protector the command of the whole of Nova Scotia —his success was not of long duration. At the restoration of the Stuarts, Acadia was given back to France; and M. d'Andigny de Grand Fontaine, who was sent there as governor, expelled M. Latour from his dominions, and united in one colony the settlements which had been scattered over the country, leaving to each proprietor only a seigneurial right subordinate to the central authority. From this time the colony began to prosper: it had hitherto been but a den of adventurers, whose ostensible pursuits were the fur-trade and the fisheries, and whose real avocations were confined to war and piracy. A considerable number of persons had followed various adventurers into Acadia; so that at the time of the taking of Port Royal, in 1654, there were about 1654
a hundred and fifty families. A short time afterwards, a M. le Borgne established there a considerable expedition; his example was followed by others; one of whom, M. Denis, brought a party of 120 men to Cape Breton, and settled them there at an expense to himself of some 50,000 livres: there were also fortified posts at Pentagouët, at the River St.

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John, and at the Cap de Sable. All these, by order of M. d'Andigny de Grandfontaine, assembled for mutual defence and security at Port Royal: but, to such a degree had feuds and misery diminished the
1671 population, that a census in 1671 only gave 400 inhabitants for the whole of Acadia, of which 380 were at Port Royal: it must, however, be remembered, that the original colonists had been in a great measure absorbed among their Indian allies, the Abenakis, and that their hunters and fur-traders were probably not present, and so were not included in the returns.

The Acadian population had little or no communication with the neighbouring settlers in Canada: the Canadians, from the beginning, resembled a French canton transplanted into America; their population consisted of peasants, peaceful and hard-working, regularly organized under feudal seigneurs, at whose order they had left their homes. The Acadians were fishermen, soldiers, and adventurers of every kind, who ranged themselves into seigneuries by the force of national custom, but who owed very little to the government, and became soon, to a great extent, absorbed in the aboriginal population.

The neglect of the French government produced its natural result on the character of the Acadians: they acquired a degree of self-reliance which the population of Canada were far from imitating. Both in their warlike expeditions, and in their agricultural establishments, they showed great activity; they wanted but numbers to enable them to make head

against the New Englanders: they had all the elements for the formation of a national character as self-reliant as that of their neighbours; but in the course of their whole existence under the dominion of France, they hardly received two hundred emigrants. Notwithstanding the paucity of their numbers, they kept the aggressive expeditions of the English in check, and often returned with a rich booty from their piratical expeditions.

France, as well as England, had in those days her "gentlemen adventurers." The adventurers of each nation belonged to a type peculiarly its own. One of the chief leaders of the French Acadians—the Baron de Saint Castin—was a remarkable specimen of his class. Saint Castin was a Bernese by birth. He had been a captain in the celebrated regiment "de Carignan," and had come over with his corps under M. de Tracy to the assistance of the Canadian settlers. Saint Castin received his discharge in Canada, and became one of the military colonists which the policy of France established on the Richelieu: but a peaceful life was ill suited to his restless spirit. He crossed the frontier, and settled himself among the rocky fastnesses of the Abenakis, in order to share to the full the excitement of a life of ambuscades, danger, skirmishes, and plunder. He soon obtained a commanding influence over the Indians, and married the daughter of their chief. At his summons, all the tribes on the frontier between Acadia and New England would "lift the hatchet" and assemble round his fort at Pantagouët, where he lived like some baron of the middle ages, in rude splendour, sur-

CHAPTER I.

rounded by a horde of vagabond Frenchmen whom he had attached to his fortunes. For years he was the terror of the frontier. The annals of the Puritan colonies are full of his exploits, which greatly retarded the advance of civilization among the New
1708 Englanders. In 1708 he succeeded to a fortune in France. He left his fort and his command to his eldest son, by the Abenaki squaw whom he had made his baroness. Till the capture of Acadia by Nicholson, and the conclusion of the Treaty of Utrecht, young de Castin kept the field at the head of his Indians. If he could not emulate the rude talent of his father, he at least endeavoured to excel him in cruelty and ferocity. He was taken prisoner at last; effected his escape; arrived in Bearn just in time to witness the death of his father, and to succeed in his turn to the fortune which had seduced the elder pirate from his Indian friends. But the roving humour was too strong for civilization even with
1731 a fortune; in 1731, we find him again on the frontiers of Acadia, where he vanishes, sword in hand, out of history.

A vast territory was at this time in the hands of France. The English colonies, full as they were of life, were but a strip along the Atlantic coast. Putting aside the untenable claims which France asserted in the patents granted to De Monts, she actually possessed settlements in all parts of North America, as far as Mexico on the south and California on the west. She had posts on Hudson's Bay and Salvador; she had forts upon the Mississippi and the Missouri that hemmed the English in. Such trade as existed in

Oregon and California was exclusively in the hands of her pedlers, and she held the embouchure of the Mississippi by her establishments in Louisiana; she commanded the outlet of the St. Lawrence and the great lakes by her fortresses at Montreal and Quebec. In the Antilles she held half St. Domingo, St. Louis, La Dominique, St. Vincent, Tobago, St. Bartholomew, Martinique and Guadaloupe; in South America, Guiana and the Falkland Islands: she was dominant in India; she had establishments in Cochin China; she possessed forts in Algeria and in Senegal; the Isle of France and the Island of Réunion were hers; she held the sovereignty of Madagascar. Of all these, no doubt, the North American possessions were of the greatest value. But the pursuit of military successes left Louis XIV. no time to attend to colonization; and brave Frenchmen were left unaided to defeat at the hands of the English, while Louis lavished money enough on palaces and mistresses, and men enough at Oudenarde and Malplaquet, to found in Canada and Louisiana monuments of his power more enduring than even the misery which his policy entailed on France.

The common belief, that the French are unfitted for colonization, appears to be without foundation. Her failures must be attributed rather to her policy than to any defect in the character of her people. The habit of centralizing authority, and excluding the people from all participation in power, must of necessity have been disastrous; but great as those evils were in France, they were still greater in the colonies. There was in France a shadow of

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popular representation; in the colonies even the "communes" did not exist. Of all societies colonies most require to be let alone; government interference checks their self-reliance, and consequently their prosperity: the habit of settling their own affairs produces men active, and full of resource, in times of emergency. The French administration was wrong from beginning to end; there was no continuous stream of emigration to keep up the tie between France and the colonies, no self-government to foster habits of independence. Now and then an expedition was sent out, with regularly-appointed leaders from among the governing class; the rank and file of the expedition were usually peasants forced to emigrate, not at their own discretion but at the command of their feudal superiors. The necessary numbers were made up either by a general gaol delivery, or by the despatch of a regiment of soldiers who, after repulsing the Indians or performing the immediate military object for which they were despatched, were invited to settle down as military colonists under the seigneurial control of their officers, on frontier land grants. No works of public utility were undertaken; communications with the mother-country were unfrequent; commerce was smothered by absurd and unjust restrictions; education was unknown; the garrisons were in general recruited by the offscourings of the French army, and the governors were left to defend themselves against constant attacks, by the aid of the native militia. If in obedience to some freak of a minister, or caprice of a king's mistress, an expedition was sent out, the unwonted impulse sel-

dom lasted long enough to inspire the government who sent it forth with patience to organize the details of their undertaking; the unhappy colonists were cast on the shores of the new world, only to add to the misery of those who were already there. Such was the government as regards action. For those who presumed to act without the sanction of the authorities, or to do what their idleness and incapacity prevented them from undertaking, no vengeance was too severe.

A colony requires to be let alone, it also requires peace: it is only in times of profound tranquillity that the pioneer has heart to redeem lands from the forest, to plant his crops, or to gather in his harvest; but the unfortunate French colonists were kept, by the aggressive spirit of their leaders, in a state of constant warfare; they struggled vainly and bravely against many discouragements and defeats. The cohesion, the intensely French nationality of the Lower Canadians at the present day, is the best answer that can be given to the assertion that the French people afford unfit materials for colonization; it is rather a subject of astonishment that they did so much, than that they did so little in the face of such difficulties.

In 1764 a census was taken in Canada by order of Colbert.* From this it appeared that the number of souls was 7,832—a census taken ten years before had shown a larger number. It must, however, be remembered that the census of 1666 was made by the "Compagnie des Cents Associés," who were then on

* Rameau, La France aux Colonies, vol. ii. p. 39.

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the point of surrendering their charter, and who were naturally anxious to make the number of persons under their jurisdiction appear as large as possible in order to acquire the best possible terms in winding up the company.

Still, allowing for exaggeration in the earlier census, the increase had not been great. A very considerable proportion of the able-bodied young men wandered away from the settlements, attracted by the life of Indian pedlers, "coureurs des bois," as they were called by the French. The trade in peltries always brought in a ready and quick return; the life was adventurous, and well suited to a high-spirited race, to whom the restraints of the settlements were irksome in the extreme: these men became in time of war scouts, and leaders of the Indian levies. They married squaws, and conformed in all respects to the manners of their savage brethren. While yet the settlements at Montreal and Three Rivers consisted of but a few families, the coureurs des bois had established a considerable traffic along the valley of the Saskatchewan, and even across the Rocky Mountains; they penetrated by way of the great lakes right up to Hudson's Bay; they explored Labrador and the still lonely Saguenay. Like the lumberers of modern America, these men of the woods returned at long intervals to the settlements with pockets full of money from the sale of their "butin." The word still survives among the French voyageurs; and indeed in its English dress "plunder" still signifies, among the inhabitants of the great West, not ill-gotten goods, as might be supposed, but lawful pos-

sessions. A Western man packs up his "plunder" before leaving home; he saves part of his "plunder" from a fire in his own farm-house. Cheery, brave, light-hearted, are still the descendants of the old coureurs des bois. The hunter on the Western prairie will still find them the truest comrades in a skirmish, the most lively companions at the camp-fire; he may still listen to tales of Indian fights or old songs in the Norman patois, for the language is as little changed as the race. A Frenchman may hear on the shores of the Rainy Lake or on the banks of the Arthabasca the same provincialism that he left among the apple orchards of Granville and St. Malo at home.

The coureurs des bois were extremely useful to the merchants engaged in the fur trade, who gave them the necessary credit to proceed on their commercial undertakings. Three or four of them would join their stock, put their property into a birch-bark canoe which they worked themselves, and accompany the Indians in their excursions into the country where they were to hunt. These voyages extended sometimes to twelve or fifteen months; they returned with rich cargoes of furs, and followed by great numbers of natives. During the short time requisite to settle their accounts with the merchants, and procure fresh credit, they generally contrived to squander away all their gains, contented, like sailors ashore after a cruize, if they could indulge themselves in extravagance and dissipation during one month in twelve or fifteen. This indifference about amassing money, and the pleasure

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of living free from all restraint, soon brought on a licentiousness of manners which could not long escape the vigilant observation of the missionaries, who complained that they were a disgrace to the Christian religion: it was alleged that they not only swerved from its duties themselves but brought it into disrepute with those natives who had become converts to it. The missionaries therefore exerted their influence to have the Indian trade placed under some sort of supervision: an order was issued by the governor that no one was to go up the country to traffic with the Indians without a licence from the government. At first the permissions were only granted to men whose character was such as to give no alarm to the missionaries; but they were afterwards bestowed as rewards for military service on officers and their widows; and those who were not able or willing to make use of them, were allowed to sell them to the merchants who employed the coureurs des bois in quality of their agents: in a short time the remedy proved worse than the disease.

At length military posts were established at the confluence of the different large lakes of Canada, which in a great measure checked the evil. A number of able and respectable men retired from the army prosecuted the trade in person under their respective licences with great order and regularity, and extended it to a great distance.

Before 1673, Louis XIV., under the advice of Colbert, paid some little attention to his subjects in New France; in his latter years he almost entirely neglected them. It has been already mentioned

that M. de Tracy, on his arrival in 1667, brought with him some 1500 men: till then, the colonists had never seen a hundred and fifty regular soldiers together. The single tribe of the Iroquois could bring 2000 warriors to their war-post. It was therefore a new sensation for the plundered and harassed emigrants to feel that they could hold their own against any foe, and once more respect themselves as true subjects of the *Grand Monarque*. The arrival of the troops was followed by an influx of the small traders, commissaries, artizans, and servants who usually followed the march of a military force. De Tracy was accompanied by M. Talon, a man of remarkable talent, who enjoyed the complete confidence of Colbert, and who in his capacity of intendant did as much as was possible under the circumstances to forward the fortunes of the colony. Indeed, if the fundamental maxim of French colonization be granted, that a colony can be formed by the talent and energy of its chiefs, and not by the self-reliance and labour of the rank and file, it must be acknowledged that France was well served; the list of Canadian worthies, from Cartier to Montcalm, comprises many of the noblest and greatest names in France. The policy of France was ably forwarded by them. If they succeeded in any degree, it was in spite of, and not by virtue of, the system which they administered. Too much nursing, too much interference, in a word, too much government, was fatal to the spirit, and, ultimately, to the existence of the French power.

1667

1667

When the Compagnie des Cents Associés resigned its charter, a blank sheet was spread before

CHAPTER I.

Talon, who was to impress upon it what character he would. He established villages in the woods behind Quebec; he placed there the families of colonists, and the "engagés" who came under his orders from France. When M. de Tracy had employed his Carignan regiment in driving back the Iroquois to their fastnesses, Talon, by permission of the home government, persuaded almost the whole body to
1668 settle in organized seigneuries, each under its own officer.

The whole regiments were established in that fertile district between the Richelieu and the St. Lawrence, which lies just to the south of Montreal. There was thus formed on the frontier of the Iroquois country a military colony, composed of men, who not only in Canada but in Turkey, had been accustomed to savage warfare. Each officer was surrounded by vassals whom he had known and trusted in many dangerous scenes. At one stroke a reinforcement of some eight or nine hundred men was planted on the direct route between Canada and the English settlements, in a country which, during the war that terminated with the cession of Canada, was the scene of constant fighting. The care of the home government did not rest here; a hundred and fifty or two hundred girls of good character were sent out every year under the charge of some trustworthy nun, to find husbands in the colony. Talon, in one of his letters,* mentions that a Madame Etienne, who had already been sent out in charge of young ladies, was about to return to France to bring out "those

* 10th November, 1670.

that are required for this year :" he hints in another place that four or five of the officers of the Carignan regiment were still without wives, and that young ladies of "noble birth" might find this a desirable opportunity of settling themselves in life. Two things in particular strike the English reader of this and such-like passages:—First. How deeply rooted was the aristocratic temper of France, when the government could descend to provide even in the wilds of Canada against the chance of a misalliance, such as would be implied in the marriage of a noble with a bourgeoise. Secondly. How impossible it is for a government however ably administered to form a colony. It seems to be a law of nature that the battle of life must be fought by each man for himself, that communities must succeed or fail according to the degree of patient industry, courage, and self-reliance of the units who compose it, rather than by virtue of laws, however wise, or of patronage, however enlightened. Compare the paternal despotism of France with the policy of England; the one ready with its donation of fifty livres to any girl who would marry within its dominions, the other parading with custos rotulorum and posse comitatus in search of a half-famished company of Puritans, who, hidden somewhere among the rocks on the bleak Norfolk coast, watched for a chance of escape to Holland: or in later times, on the one hand, a regiment settling down on its government grants legislated for and petted; on the other, a band of half-starved and scurvy-stricken cripples, each of whom had paid away his last coin to Jeffreys for leave to stow himself

CHAPTER I.

away in a ship bound for the plantations. Contrast one colonist, conscripted, pursued by the tax-gatherer, the recruiting-serjeant, the census officer, married at the wish of his seigneur, protected, worried out of his liberty and his independence; and the other starting into instant rebellion if he were but asked to contribute a farthing towards the expenses of a war in which his own safety was concerned. The English colonists rushed forward once and again wherever hard knocks were going or glory was to be won. They fitted out ships, they raised men, they furnished money, for taking of Port Royal, capture of Canada, and so on; but not one farthing of taxes would they pay. It needs but to compare the two, to watch the progress of the self-reliant colonist and the helpless downfall of the other, to acknowledge how little governments can do towards helping an infant colony except by letting it alone.

The inhabitants were stationed principally round Quebec and Montreal. Every year during this, the palmy time of Canadian emigration, before Louis XIV. had become disheartened by the apparent break-down of his plans, or the exigencies of European war had distracted his attention and obliged him to abandon his views, some thousand or more emigrants were sent from France; of course in organized parties, each under seigneurs and directed on their arrival to spots where the governor desired to establish towns or villages. Before Talon left the colony, he had received a consignment of another regiment, which like the Carignan received each man his

discharge, his grant, his pension, his wife, and his seigneur. CHAPTER I.

Up to that time forty-three seigneurial concessions had been granted: each occupied a strategic position with reference to possible collision with the Indians or the English; each concessionaire brought with him a number of *engagés*, servants hired nominally for a certain limited time. Every inhabitant of a colony or captain of a ship had the power of engaging workmen or apprentices in France to serve for three years. The engagé owed his master the same obedience as a military recruit. Engagés were seldom treated in North America with the cruelty such as that which often occurred in the other colonial settlements of France, more especially in those inhabited by the ferocious freebooters of the tropical seas. In Canada they usually lived in the family of the settler, and were treated as members of the family: not unfrequently the servant when his term of servitude had expired married one of the daughters of the house, and established himself by the side of his former master, or wandered away into the woods and swelled the ranks of the Indian traders. As early as the year 1660, the employment of engagés was recommended by the Superior Council of Quebec; each captain of a vessel was compelled to take out a certain number of them: a vessel of sixty tons took out three; one of a hundred tons six, and the number increased in proportion to the tonnage of the ship. On arrival in the colony, the captain, who had covenanted to supply the engagé with food, clothing, and a small sum of

1672

1660

* Rameau, ii. 31.

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money, sold his contract to the highest bidder. The transport of engagés was often a losing concern. A captain who was bound by the regulations of the marine department to take out a given number, if unsuccessful in his attempt at kidnapping or unwilling to resort to it, had to offer so large a bounty for recruits that it was more advantageous for him to adopt the alternative of paying a fine of sixty livres a head to the department of marine.

A few years after the settlement of the Carignan regiment in Canada, another census was taken, which, to the disgust of Louis XIV. and to the dismay of Colbert, showed a decrease in the population. Up to this time Louis had devoted considerable attention to the development of his American dominions. From this time forth, either from disgust at the failure of his plans, or on account of the increasing urgency of his European schemes, he troubled himself very little about them : no more well-assorted emigrations started with royal approval and good-will ; no more girls, healthy and good-looking, were selected with parental care to be the wives of Canadian settlers ; no more noble virgins started off to mate with the lords of proud Canadian seigneuries : even before the ill success of home politics and ambition had deprived Louis of the power to aid New France, the will was gone, the toy thrown aside, and the settlers on the St. Lawrence were left to struggle as they best might with the world. Yet, although they were thus neglected by their king, they did not the less feel at every turn the interference of their immediate superiors. Before long they lost the able guidance of

Talon; he continued for a time to administer the finances under the government of M. de Courcelles, who succeeded M. de Tracy, but on the arrival of M. de Frontenac he resigned. If any man could produce good out of a bad system, he was the man to do it; his successors were men of talents far inferior to those which he possessed. Frontenac, the new governor, was a mere soldier; he ruled the colony with the military strictness which he would have displayed in command of a regiment. The result, as in a regiment where the reins of discipline are too tightly drawn, was that the colonists fled across the frontier in considerable numbers and joined the English colonies, which were then, as we have seen, rising into such a degree of importance as to give M. de Frontenac great uneasiness: M. de Barre, who succeeded Frontenac, was even less fitted than he for the administration of a colony. To add to their distresses, the Iroquois in 1684, broke the peace which had now subsisted nearly twenty years, and attacked them with great fury. The occasion was well chosen: the policy of Talon had been so far followed that almost all the soldiers who had from time to time been sent out as reinforcements for the garrison had accepted their discharge, and were settled on their various grants. There were not more than one hundred and fifty regular soldiers under arms who could be readily made available to repel attack: the population amounted to nine thousand or ten thousand persons, but though the position of the various seigneuries had been chosen with judgment, only a few settlements had really taken root; the strongest

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were those at Quebec and Montmorenci, and the military posts on the Richelieu, but all were completely surprised by the suddenness of the Indian invasion.

It was about this time that the first establishments were made in Louisiana. The Fathers Menard and Allouez had already visited the upper part of the Mississippi; Marquette, La Salle, and Tonti had established posts in the Illinois country; and the first of that immense line of forts which, according to the schemes of French politicians, were to unite Canada with Louisiana, and to hem in the English within their narrow limits on the Atlantic, were already constructed.

It is curious to remark that, almost immediately after the establishment of this post, the colonists on the Mississippi began to be a source of uneasiness to the governors of Canada. M. de Denonville writes,* in a most amusing paroxysm of anger, at French censitaires who presumed to escape from their lawful seigneurs. "M. de la Salle says he has made concessions at Fort St. Louis to certain Frenchmen who have been for some years residing there without any intention of returning. This has given rise to an infinity of disorders and abominations. Those to whom M. de la Salle made his concessions are all of them young men who have no means of cultivating the land. Every week they marry, after the Indian fashion, squaws whom they purchase from their parents; these good-for-nothing (vauriens) pretend to be independent masters of these distant lands. All

* 25th August, 1687.

this is in disorder. This year ten of them had plotted together to lead the English to the Mississippi; the war stopped these plans. The remedy for all this is that the king should revoke all such distant concessions—that the garrisons of these remote posts should be changed every two years at the least; and that trade should be confined to fortified places where there are commandants. We will try to discipline our men and to regulate the traffic on our rivers by associations among the coureurs des bois. Otherwise they will ruin our commerce. For this purpose companies of Canadians are necessarily under the orders of tried officers."

Nothing can be more characteristic of French rule than the tone of this letter. A score of men, so poor that they had not means to cultivate the ground, escape into the woods and marry Indian wives—Vauriens! exclaims M. de Denonville—Désordres! Abominations! If they are not brought back by a company of soldiers under tried officers they will ruin our commerce. With what astonishment a similar outcry would have been received if made over the removal of English emigrants from Maine or Carolina. The English restricted the trade of our colonists, but never made themselves ridiculous by petty interference.

Now, if ever, was the time for a repetition by France of the great effort of 1666. A couple of thousand men sent into Canada, well provided and well led, joined to the provincial militia—old Carignan veterans and Indian pedlers—would probably have been strong enough to carry out the scheme which

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M. de Callières often submitted to Louis XIV. of taking New York. But the golden opportunity was lost. The Marquis de Denonville exhibited in his dealings with the Indians two grave defects—unsparing treachery and wretched incapacity. He succeeded in exasperating the Indians to the highest pitch, and completely lost his presence of mind when they attacked him. On one occasion he persuaded a large number of their chiefs to meet him at Fort Frontenac to discuss terms of peace. Having reliance on his safe conduct, they put themselves into his power; but he was so regardless of honour, and of the usages of civilized nations, as to seize them and condemn them to labour as forçats in the French galleys. It cannot be wondered at that treachery so cruel should provoke a war of extermination. A party of Indians stealthily advanced to La Chine, a small post two hours' march from Montreal, and murdered the garrison. Denonville determined to withdraw from the upper country; Fort Niagara was abandoned; Fort Frontenac, which had been built on the spot where Kingston now stands, was blown up and dismantled: to aggravate the misery of the French a dreadful plague appeared, and decimated the inhabitants. The case of the colony appeared almost desperate; it was evident that if even a remnant was to be preserved, the conduct of affairs must be taken out of the hands of Denonville. M. de Frontenac was recalled to Canada, and assumed the chief command in 1689. He was accompanied by M. de Callières as intendant, and by the Iroquois chiefs whom Denonville had sent in chains to the galleys.

It was almost immediately after M. de Frontenac arrived that Sir William Phipps, at the head of the Boston fleet, made his attack upon Quebec; but Frontenac was a leader of a different stamp from Denonville; he found time to drive back the Iroquois, and to put Quebec in a posture of defence, before the arrival of Phipps. It had been arranged that a considerable force should proceed through the country of the Iroquois, who were in alliance with the English, and, by attacking Montreal, compel the French commander to divide his force. But the Iroquois wisely calculated that if French and English destroyed each other without assistance, it would be in their power to assist the winning side to plunder and massacre the defeated; they consequently withdrew their assistance; and Frontenac was permitted unmolested to concentrate his attention on the defence of Quebec. The city was not then defended by the fortifications which afterwards rendered it the strongest fortress in America; it was surrounded only by a stockade, which Frontenac had lately strengthened. The defences were, however, strong enough to check Phipps's advance. Winter was approaching, ammunition ran short, Sir William beat a retreat, and Frontenac at last found himself at liberty to deal with the Iroquois; but it was not till fifteen years after the first commencement of hostilities, that a permanent peace could be established. By that time England and France had signed articles of peace at Ryswick, and had entered into arrangements for maintaining a common understanding with the Iroquois. The Five Nations, though astonished to

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see both their ancient enemies competing for their favour, were not slow to avail themselves of their good fortune. Beads and red cloth, tomahawks and wampum became plentiful in the wigwams of the Iroquois. But the advantages of the New York market where there was no duty on furs, and the slightly superior quality of English beads and blankets, obtained for the New England men the preference in their trade. Thenceforward till the peace of Utrecht the military history of Canada is but a record of skirmishes with Indians hounded on by the English, and an occasional brush with the English themselves. Frontenac died at Quebec at an advanced age, and was succeeded by De Callières, the place of the latter as governor of Montreal being filled by the Chevalier de Vaudreuil, who in his turn was promoted to the chief command on the death of
1703 Callières.

It may easily be imagined that the effect of so many years of war was to paralyse the industry of the frontier-posts. The seigneuries of the Richelieu, the most important in Canada, were decimated. They formed the outpost between the colony and the Indian land; they were settled by men trained to war, and accustomed to Indian craft; it was therefore the flower of the colony that was cut off. Montreal and the adjacent districts suffered only less than the Richelieu; but Quebec, safe in consequence of its distance from the scene of strife, prospered all through the war. The conscriptions fell heavy upon it; there were occasions when every male capable of bearing arms was called away to perform military service,

and of these conscripts many never returned; but in the whole a sensible increase was perceptible in the number of the population. After the Peace of Utrecht, M. de Vaudreuil set himself earnestly to work to repair damages: the remnant of the unfortunate colonists of the Richelieu were encouraged to return to their desolated homes, and build up again their log-huts and little tin-roofed churches. But M. de Vaudreuil, in his endeavours to restore prosperity to Canada, found it useless to look to France for help; he was forced to content himself with the materials which came to his hand in the colony itself. No emigrants reached him from home; and although a liberal offer was made to release every year a hundred and fifty slaves condemned to the galleys of France, on condition that they should assist in building up the fortunes of the depopulated colony, the proposal did not meet with a ready acquiescence.

The coureurs des bois, sometimes in spite of the government, sometimes in obedience to its mandates, gradually made settlements in detached positions all over the West; these became the nucleus of trading posts; small garrisons were in time sent to them, and the commandants, in time of war, by rallying round them the hunters and pedlers of their district were often enabled to perform excellent service to Canada. They did so at St. Louis, they did so at the post established by Lamotte Cadillac at Detroit. If ever France intended to take possession of the West, no better occasion could ever arise than the years of peace which followed the Peace of Utrecht.

But the opportunity was lost, and never returned;

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the ruinous policy of Louis XIV. began too surely to bear its destined fruit. The Regent Orleans, little as he shared the ambition of Louis, more than emulated the personal extravagance in which that monarch had indulged. In a single orgy with his "roués" he spent sums which would, in the hands of Vaudreuil, have colonized the Canadian frontier from Frontenac to Detroit, and would in all human probability have saved Canada to France.

There is a passage in M. Rameau's sketch, "La France aux Colonies," which is transcribed at the foot of this page.* It may be that in estimating the relative aptitude of the French and English for colonization, weight has hardly been given to that peculiar "suppleness" of which M. Rameau speaks. It is necessary to guard against being too much led away by results. It is easy to see that English colonization succeeded, and that French colonization

* Le colon anglais, plus froid, plus personnel, d'un caractère plus casanier et mercantile, est gauche et embarrassé devant la brutalité du désert; pour qu'il atteigne la plénitude de sa force, il faut qu'à force de temps et d'épreuves il ait créé autour de lui cette atmosphère britannique, ce je ne sais quoi, que le génie anglais caractérise si justement dans le mot *at home*; puis son expansion se fait et grandit avec puissance. Il lui fallut longtemps, plus d'un siècle, avant qu'il osât aventurer ses établissements hors des territoires qu'il avait garnis de bourgs palissadés, entre lesquels il enfermait ses cultures; non pas qu'il manquât de courage, mais il manquait de cet esprit audacieux qui s'accommode volontiers des hasards de l'inconnu et sait s'installer même dans le dénûment; il n'avait pas ce feu généreux qui lance les hommes en avant pour une idée, quelquefois même pour la seule poésie du danger, et qui fait marcher l'homme au nom de l'humanité; il n'avait pas surtout cette souple nature propre à la race française, et qui satisfait si bien aux nécessités diverses que présentent les situations critiques et variables d'un établissement en pays étranger. Placés dans les mêmes circonstances, ces deux colons sont également laborieux et industrieux l'un et l'autre, seulement le français a plus d'esprit de ressources et se défend mieux contre les difficultés et les misères de l'imprévu.

failed; that failure was due in a great measure to the French system, a system, which not content with neglect of the colonists on the part of the home government (in which they were surpassed by the English government, without any evil result to the colonists), superadded active interference and ruinous impediments. English readers may probably be of opinion that an emigrant would find a more solid incentive to exertion in the desire to improve his condition, and to substitute plenty for the bare means of subsistence, than in "the generous fire which urges men forward for an idea." He may probably think it improbable that "the mere poetry of danger" should decide the exile as to the location of his future home; but it is impossible to deny the facility with which a Frenchman adapts himself to circumstances. The English when they establish themselves among savages, usually in time exterminate or enslave the natives. The French are very apt to settle among them, to intermarry with them, and to civilize them.

The different systems of France and England may be thus summed up. The English theory was, "Let the colonists alone; let them grow and multiply, or let them starve and die: if they grew, and eventually possessed a trade worthy of her attention, England stepped in and turned that trade into such channels as she considered most advantageous for herself. The French arrogated to the home executive all power and all direction; they looked on the colonist as a workman performing, in the public service, a task prescribed by the government. In New England the colonists were members of an active and energetic

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body politic; in New France the 'censitaire'. no more dreamed of interfering in the management of his own affairs than of interfering in the government of China. The governors of Canada were men of good intentions; in many cases, of rare ability. But, as the human body cannot move if the limbs be paralysed, though the head be energetic, the intellect commanding—so, when the whole life of the commonwealth was not only centred in the governor but confined to him, the inevitable result was apathy and decay.

"Unhappily, it must be observed that these two facts, administrative apathy and administrative omnipotence, are correlatives of each other. It is probable that if the municipal system had been firmly established in the French colonies; if there had been in them provincial assemblies and some degree of freedom of opinion, the government relieved from cases and details which are not within its province, would have found leisure to perform the duties of its position, which in case of need would have been more easily recalled to its recollection."*

* Rameau, France aux Colonies, ii. 64.

# CHAPTER II.

## COMMERCIAL POLICY.

[1700—1774.]

Historical Sketch of the English Navigation Laws—Commercial Legislation of Spain—Fair of Porto Bello.



FEW among the various causes of dispute which accumulated between America and Europe were urged more frequently or produced more annoyance than the commercial systems which each nation thought it right to pursue. The principles upon which those systems were founded are now, in this country at least, so completely set aside that it would be worse than useless to examine them in detail; the subject is one which has been keenly debated and settled for ever, nor would any writer wish to reopen it.

But though the unanimous agreement of all parties on points that were once in dispute has deprived the subject of interest as a matter of controversy, it would be difficult to omit all mention of it even in the briefest sketch of colonial history. Doctrines that we now look upon as axioms not to be questioned, would, if asserted in the early part of the eighteenth century, have been scouted by every European statesman as dangerous and absurd. Opinions now abandoned were held as the basis of our policy. All

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European nations agreed in retaining in their own hands the monopoly of their colonial trade: when once the time had passed away during which wars were carried on for the sake of religion, every federation—the triple alliance, the grand alliance, the quadruple alliance—involved the colonies in its meshes, and every war, whether it was a war of religion, of oppression, of defence, or of succession, resembled every other war in this, that it included, among its prominent objects, defence of commercial monopoly of the nation waging it, or attack upon that of the enemy. No political economist had arisen to announce the doctrine of free trade, to proclaim what Burke afterwards called the "ill husbandry of injustice," or to prove that the policy fought for was one which sacrificed the interests not only of the colonies, but of the greater portion of the home population: it was undisputed that the possession of colonies meant the exclusive control of their trade, to be held and worked for the exclusive benefit of the commercial class of the dominant nation. It was not long before injustice produced its natural result: the power of the law was strained till its victims threw off all semblance of obedience; large communities of smugglers and pirates arose, legitimate trade languished, and protected navies decayed, while freebooters fought madly among the islands of the tropical seas for a share in the rich commerce which was carried on beyond the pale of the law. The object of all the western nations was the same, not so their mode of operation: the haughty oppression of Spain differed widely from the quasi-paternal feudalism of France. Both would have

been equally intolerable to the fierce and free temper of the English planters.

England was as anxious as France or Spain to keep the whole trade of her dependencies in her own hands, but unlike either of those countries she always afforded to her colonies a fair market for their produce, either in its rude state or in the first stage of its manufacture. The establishment of finished manufactures which might compete with the industry of the mother-country was prohibited, and the attention of the colonists confined to such coarse household wares as private families commonly made for their own use; but for many years that prohibition was in reality no great hardship: land, in the early part of the eighteenth century, was still so cheap in the colonies, and labour so dear, that it is doubtful whether it would have been the interest of the colonists to establish manufactures even if no prohibition existed. Many kinds of American productions were likewise encouraged by bounties, or by admitting them into English markets on terms more favourable than those granted to any other nation: sago, tobacco, and iron were thus favoured; silk, hemp, flax, naval stores, indigo, and building timber were encouraged by a bounty; goods imported by England, and subsequently re-exported to a foreign country, recovered, under the name of drawback, the whole or the greater part of the custom duties which they had paid on entering. England, having a monopoly of the colony trade, might have treated them as other nations did their colonies, and refused to allow any reimbursement of duties that had once found their

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way to the exchequer. But England always treated her colonies on the same footing as foreign nations, and allowed them the full advantage of the drawback. In consequence of this concession, many foreign goods might be bought in the colonies cheaper than in the mother-country. In this way German linens, receiving the drawback, were able to undersell English linens. The inconvenience which resulted from this arrangement became at last so great, that the privilege was much curtailed in the reign of George III. Neither France nor Spain allowed to their colonies any advantages such as these. Both practically conceded the whole commerce of their colonies to monopolist companies: it is true that no company was ever formed in Spain like the French Compagnie des Cent Associés, or the Dutch West Indian Company; but, although Spain never formally handed over the trade of Spanish America to any particular company, she gave the monopoly to two particular towns on each side of the ocean, Cadiz and Seville in Spain, Carthagena and Vera Cruz in America, and the merchants of those towns had in consequence a virtual monopoly.

It was the interest of the chartered merchants to sell European goods as dear, and to buy colonial produce as cheap, as they could; in other words, to give as few European commodities as possible in exchange for as much as they wanted of the colony produce. Their object being to buy no more colonial produce than they could dispose of at a high price on account of its rarity, they by no means wanted all that the colonies had to sell. Thus in both transactions of

buying and selling the colonies were placed at a disadvantage, and all through the Spanish possessions European goods were virtually prohibited, except to a few of the richest citizens. The French, after the downfall of the Mississippi scheme, adopted with regard to their possessions in Canada, a policy something like that of England. The trade was thrown open to all natives of France, and might be carried on from any French port; the only permissions necessary being the ordinary permits of the Custom-house. Under these circumstances it was not easy for the merchants to enter into a combination for raising the price of goods, and the colonists were able to sell their own produce and buy that of Europe at a reasonable rate. The profits of the trade were no doubt somewhat higher than they would have been if the competition had been thrown open to all nations, but on the whole they appear not to have been exorbitant. Though not so indulgent as the English, the French may be considered as infinitely superior in liberality to the Spaniards. All three of these nations insisted that every production of their colonies, which could by any possibility come into competition in the market of the world with their own commodities, should be carried to no other markets than those of the mother-country; but even on this point England somewhat modified the stringency of the regulations which were strictly enforced elsewhere. It was provided by the Act of Navigation that certain articles, which were recited by name, and which in consequence obtained the designation of "enumerated articles," should be brought into Eng-

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land direct; every commodity which was not expressly designed in the act might be exported to foreign countries direct. Among the non-enumerated articles were found grain, lumber, salt provisions, fish, sugar, and rum: there were, however, two stipulations; one, that the colony trade should observe certain geographical limits; and, secondly, that it should only be carried on in British ships, or in vessels belonging to the plantations, of which the owners and three-fourths of the mariners were British subjects. This latter provision was in fact the main article of the English navigation law.

"The maintenance of the colonial monopoly," wrote Adam Smith, at the close of the eighteenth century, "has hitherto been the principal, or more properly, perhaps, the sole end and purpose of the dominion which Great Britain assumes over her colonies. In the exclusive trade, it is supposed, consists the great advantage of provinces, which have never yet afforded either revenue or military force for the support of the civil government or the support of the mother-country. The monopoly is the principal badge of their dependency, and is the sole fruit which has hitherto been gathered from that dependency. Whatever expense Great Britain has hitherto laid out in maintaining this dependency, has really been paid in order to support this monopoly." Macpherson, a writer of very opposite opinions to those of Dr. Smith, takes in his "Annals of Commerce" a similar view of the object, but not of the result of the monopoly. He writes from the point of view of the English shipowner; every disability imposed on the foreigner he

looked upon as clear gain to the Englishman. He does not argue that the monopoly of the colonial trade was desirable: he is unaware that any one can possibly dissent from what he considers so self-evident a proposition; he assumes it for granted, and argues upon that basis all through his book. So with all the older writers, even with the statesmen and thinkers. "The British colonists in North America have no right," said Lord Chatham, "to manufacture so much as a nail for a horseshoe."* Lord Sheffield went further, if it be possible. "The only use," he said, "of American colonies or the West Indian Islands is the monopoly of their consumption, and the carriage of their produce."

Such being the opinion of statesmen, an opinion handed down from one generation to another ever since there was any colony trade at all, it is not strange that the most stringent laws were enacted to keep the monopoly intact. It was not a theory invented solely for the behoof of the colonies; it was a fixed belief that no trade could flourish that was not so protected. The whole colonial policy of England was based on one dominant idea, that shipping is an evidence of national wealth, and ought therefore by any means to be increased. The possession of colonies was supposed to entail a demand for ships; therefore colonies were to be fostered so as to make that demand as large as possible. On no point is economical science now more conclusive than this, that the prosperity of a protected industry is delusive. It is not denied that the persons protected are benefited, but it is denied that the national wealth, and

* Edwards' West Indies, vol. ii. p. 566.

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consequently the sum of the national happiness, is increased. No doubt an increased demand for shipping is an evidence of increased national wealth, because it is an evidence that the demand of foreign customers has stimulated the energy of manufacturers, who have in consequence more money and money's worth to share with their workmen at home, or to spend on imports from abroad; but the demand must be bonâ fide: if the trade of the shipmaster be artificially made profitable, at the expense of the community at large, other persons will become shipmasters in order to share the profits, and an artificial demand be created for ships which will produce an appearance of activity in the shipping trade. It was on the express ground that activity of a shipping trade is a sign of national prosperity that our ancestors upheld the navigation laws.

The colonial consumer was not the only party to the bargain who was injured: a new country can have but a limited amount of capital to expend on imports; if a large portion of that capital be expended in the shape of tax, protection to shipping, navigation law, high freight, or by any other name which the imposts may be called, so much the less goods can it buy: if no such tax existed it could purchase a larger amount of goods, give greater encouragement to manufacturers, and, in fact, add so much to the wealth of the nation, instead of to the wealth of the shipowner. Thus the taxes imposed by the navigation law were in reality a burden both to the colony and the mother-country.

Under the extreme rigour of this law ships and

commerce withered away, and it was found that beyond a certain point the navigation laws would not work at all. The colonial markets being forcibly monopolized, commerce unconsciously asserted the laws of free trade: smugglers, contrabandists, buccaneers, stept in, and restored the balance which impolitic imposts had destroyed. Politicians in the eighteenth century were unconscious of the full effect of their doctrine; but they distinctly acknowledged to themselves that the policy pursued was good for the mother-country only at the expense of the colonies. It has been already stated that, bad as the monopoly was for every class except the shipowner, it was the only pecuniary advantage that was ever obtained by England, prior to the American war, by the possession of her North American colonies: it is, therefore, curious to see the price that was paid for this very questionable advantage. The war of 1739 was a colony quarrel; it cost thirty-one millions sterling: the war of 1755 was a colony quarrel; it cost seventy-one millions and a half. England endeavoured to make the colonies pay a fractional part of the bill that was thus incurred for their defence: they rebelled, and engaged in a war which cost this country more than one hundred millions. It may be fairly stated that the advantage reaped by a few shipowners from the operation of the navigation laws was purchased by an actual money expenditure of more than two hundred millions in less than half a century, and by a national hatred which time has as yet failed to diminish. The earliest navigation law was passed by parliament long before England had any colonies: the object to

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which it pointed was the establishment of a navy. In the fourteenth century the few articles which then made up the exports of England were brought once a year to some central place called the king's staple, to be measured and taxed before being sold. The staple was at first fixed in England, but in Edward II.'s reign it was transferred to Antwerp. The
1326 arrangement worked ill, and in 1326 a royal order
1341 fixed it in England again. In 1341 the foreign staple
1348 was set up at Bruges; in 1348, Edward III. having got possession of Calais, fixed the staple of tin, lead, feathers, woollen cloths, &c., at that town, in order to benefit its trade. Edward had entirely removed the native population, and replaced them by a few London merchants; so the trade naturally required a little stimulus after the severe shock it had received. When the seven years had expired, the staple again returned to England; but for thirty years it oscillated between England and Calais, till an enactment was
1376 made about the year 1376 that the Lords of the Council might order the staple to be held at whatever towns they pleased, in order that each town might have the advantage of monopoly for a limited term. During the time of the Plantagenets, the question of the regulation of affairs connected with trade became so complicated, and involved so many apparently irreconcilable requirements, that politicians were fairly puzzled; the attempt to regulate commerce had provided their fathers with ample employment; upon them devolved the additional responsibility of fostering a navy: their ingenuity was exercised with extraordinary perversity.

There was no such thing as a ship built for the exclusive purpose of fighting; every merchant vessel carried an armament for its own protection: when war broke out, the trading vessels, together with their crews, were impressed into the royal service. The various ports furnished a contingent, or, if the war was popular, gave for the king's service all the ships they had. In 1340 King Edward III. sent letters to the several sheriffs of the maritime shires, stating that the navy of the kingdom had been much reduced by war, and that the security of the realm depended upon vessels being kept in the hands of his own subjects, and ordering that proclamation should be made that no person should upon any account sell or give vessels to a foreigner.* It would appear from the wording of this order that the English were then accustomed to build ships for the foreigner: it was not then known that the more ships were built and sold to the foreigner the greater the skill of the builders and the resources at the command of the nation. The restriction of 1340, which added another to the network of regulations already affecting trade, merchants, and money, though very vexatious, proved, unaccountably to its framers, insufficient to increase the navy of England. In 1381† it was enacted that the navy of England being greatly reduced, no one should presume to ship any merchandize outward or homeward, save in ships of the king's allegiance: this was the first navigation act. But the enactment immediately before it on the statute book‡ was to the

* Ricardo. † 5 Rich. II. c. 3. ‡ 5 Rich. II. c. 2.

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effect that, "in consequence of the grievous mischief of carrying abroad money and bullion, there was scarcely any gold or silver left in the kingdom. All merchants and clergymen, aliens or natives, were therefore prohibited from carrying abroad any gold or silver, in coin, bullion or vessel, or by exchange." It was added that no person, either of the clergy or laity, except lords and other great men, real known merchants and the king's soldiers, were to be allowed to go out of the kingdom: no one was to leave England under any circumstances, except from London and one or two other chief ports. It was further enacted that sweet wines and claret must not be imported.* It had already been determined† that no iron was to be exported, nor cloth, butter, cheese, sheep, malt, or beer. Now as wool, sheepskins, hides, cloth and worsted stuffs then constituted nearly the whole exports of the country,‡ there remained but a very few articles that could be exported at all; and, as no person was to leave the country without express permission, it followed that there being no passengers or merchandize to carry, and no chance of selling ships to foreigners, very few ships were built, and the navy of England (which meant the merchant navy, there being, as was said above, no regular ships of war) continued to decline, in spite of parliamentary enactments; and the provisions that were intended for the express purpose of encouraging shipping, had the real effect of doing as much as possible towards its destruction.

"From the time of the first navigation act, kings,

* 5 Rich. II. c. 4. † 31 Ed. III. ‡ Macpherson.

parliaments, and shipowners had no quiet. The idea took possession of them, that gold and ships must be incessantly watched, or they would make off out of the country. There was no chance for a navy, unless acts, ordinances, and proclamations were its sheet-anchor, cable, and harbour of refuge. Our poor ancestors were haunted and hag-ridden by the notion that some breezy night every ship in England, great and small, would slip cable, hoist sail, and be out to sea, and that carrying off all the gold, they would go over to some vile foreigners and never be heard of again. And so England would have no navy, no gold, no trade, no towns, no anything but desolation and ruin. To avert which calamities abundance of laws were made; and the honest trade being sorely crippled, the shipowners employed themselves in piracies and plunders, and petty wars with the merchants and seamen of the continent."*

The leading principles of all the navigation acts were, that certain goods should be imported and exported only in British ships; that these ships must be manned by a majority of Englishmen: they were, in fact, for the navy what the protective corn laws were to agriculture—an attempt to supply vitality by artificial means, and to create prosperity by legislation.

A statute was passed in Henry VII.'s time to prevent the decay of the navy, and another to prevent the exportation of a long list of articles. From that time to the reign of Elizabeth no change of importance was made; one remarkable statute was, however, passed by Henry VIII. who enacted "the strict

* Ricardo.

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observance of fast-days for the good of men's souls, and that the fishers might thereby be the rather set on work *and much flesh saved*." Thus the fishermen came in for their share of protection to British industry. But in the time of Queen Elizabeth, bad feeling had been created among all foreign nations against England.* Her merchants were looked upon with disfavour. The navy of the country had progressed but very slowly, and that in despite rather than in consequence of the laws enacted for its protection. A statute was passed,† stating that "since the making of the statutes which prohibit the import and export of merchandize in any but British ships, other foreign princes finding themselves aggrieved with the said acts, as thinking that the same were made to the hurt and prejudice of their country and navy, have made like penal laws against such as should ship out of their countries in any other vessels than of their several countries and dominions, by reason whereof there hath not only grown great displeasure between the foreign princes and kings of this realm, but also the merchants have been sore grieved and endamaged." The 5th of Richard II. and the 4th of Henry VII. were therefore formally repealed.

Parliament was relied on to make markets, to provide customers, and to fix prices. But, according to
1603 Sir Walter Raleigh's pamphlet on the trade and commerce of England with the Dutch and other nations, all was of no avail—the Dutch had many more ships, their fisheries were more valuable and their seamen

* John Reeves on Shipping and Navigation. P. 18. Part i.
† A.D. 1558, 1 Eliz. c. 13.

more numerous than ours. They rapidly became the carriers of the world. Though they had no manufactures, no native commodities, they gathered together the productions of other countries, and redistributed them. They, more than any other nation, approached the modern idea of free trade. They gave facilities to strangers; their customs' duties were low, their vessels roomy and managed with fewer hands. Every condition, in fact, was in favour of their carrying cheaper than other nations.

"The Dutch," says Sir Walter Raleigh, "gain all the foreign freights, whilst our ships lie still and decay, or else go to Newcastle for coals." While the Dutch were thus underbidding all other nations for the carrying trade of the world, Spain set up a claim for the exclusive navigation of the Indian and Pacific Oceans. It was then that Grotius arose, and out of the fulness of that learning which all Europe regarded with astonishment, wrote the celebrated treatise *De Mari Libero*. Grotius was well seconded by his countrymen, who asserted the freedom of the sea practically as their champion asserted it theoretically: at this time were laid the seeds of that jealousy of the Dutch which afterwards produced such evil consequences to the commerce both of Dutch and English; the idea was that to make room for the navy of England it was necessary to destroy that of Holland. Sir Francis Bacon, the most far-seeing English statesman of the time, agreed with Grotius in his views as to the security of freedom of commerce. Grotius asserted that liberty of trade was essential to the Dutch. Bacon declared that the

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abolition of all kinds of restriction and monopolies was the only thing required to make England the emporium of the world.* "Especially," he says, "care must be taken that monopolies, which are the canker of all trading, be not admitted under specious colours of public good." It is singular that advice given in 1612, and now acknowledged to be so sound, should not have been followed till 1847.

1635 Between 1632 and 1635 jealousy of the Dutch power increased. Selden published, in reply to the *Mare Liberum* of Grotius, a treatise called *Mare Clausum*, and Charles I., asserting exclusive right of navigation in the Channel and the seas round the three kingdoms, warned the Dutch off the fishing-grounds which by custom and treaty they had hitherto enjoyed. The Dutch sent an embassy to remonstrate; they returned bootless: a Dutch squadron appeared off Yarmouth: to protect the Yarmouth fishery-boats, and keep the Dutch from our shores, Charles and his advisers hit upon the notable expedient which eventually cost the king his life and crown; ship-money was raised. It was not that men objected to the preamble of the order. It was not denied that "The kings of England have always been masters of the said seas, and it would be very irksome to us if that princely honour in our times should be lost or in anything diminished." Least of all would Hampden and those who acted with him have suffered any slight to fall upon the name of England, but that they felt that it was not a temporary expedient

* Bacon's advice to Sir George Villiers.

against the Dutch, but a deadly blow against the liberties of Englishmen. 

It was not till 1646, in the midst of the civil war, 1646
that any restriction was placed on the commercial freedom of the colonies. Then it was announced that none of the American (and some other) ports were to trade with England, except in English ships. This restriction, under the Republican parliament, was made still more stringent; all foreign nations whatever were prohibited from trading with the plantations in America, without having first obtained a licence. Next year was passed the famous Act of 1647
Navigation; all former legislation had been trifling in comparison with the wholesale restriction which was now put upon the shipping of the world: the preamble of the act alleges reasons in support of the measure, which men of this generation who know nothing except historically of the navigation laws, read with bewilderment. Macpherson in his "History of Commerce,"* gives the following reasons for what he is pleased to style this most excellent and memorable law:—"It had been observed with concern, that the merchants of England, for several years past, had usually freighted Dutch shipping for fetching home their own merchandize, because their freight was at a lower rate than that of the English ships." An observer of the present day would be inclined to think this a tolerably good reason. Not so Macpherson:—"The Dutch shipping were thereby made use of even for importing our own American products; whilst our own ships lay rotting in our

* Vol. ii. p. 442.

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harbours; our mariners also, for want of employment at home, went into the service of the Dutch. To these considerations were superadded the haughty carriage of the states upon the parliament's demand for satisfaction for the murder of their envoy, Dr. Dorislaus, at the Hague, and for the insult put upon the ambassador they sent afterwards, whose proposals the states also had received very coldly: all which jointly considered determined the parliament to enact that no merchandize either of Asia, Africa, or America, including also our own plantations there, should be imported into England in any but English ships, and belonging either to English or to English plantation subjects, navigated also by English commanders, and three-fourths of the sailors Englishmen."

"This," says Macpherson, "was a grievous blow to the Dutch, who till now had been almost the sole carriers of merchandize from one country of Europe to another." He forgot to add that it was also a grievous blow to the American colonies, who had to pay the high freights which he had just mentioned, or go without many articles they required altogether. Macpherson, the great apologist of the navigation laws, while triumphing over the benefits which he supposes to have resulted from the navigation laws, nevertheless admits that the novelty of the Navigation Act, and the ignorance of some traders, occasioned some complaints that though our own people had not shipping enough to import from all parts of the world whatever they wanted, they were nevertheless debarred by this law from receiving new sup-

plies of merchandize from other nations, who alone were able to import them. "Those complaints were overruled by the government, who foresaw that this act would in the end prove the great means of preserving our plantation trade entirely to ourselves, would increase our shipping and sailors, and would draw the profit of freight to ourselves." It seems odd that any writer should so totally overlook the fact that there are two sides to a bargain, and that if shipowners were benefited by increased demand for their ships, consumers, who are by far the larger portion of the community, must have been put to severe inconvenience and loss. Moreover, although the act might secure the colony trade to the mother-country, it must be at the expense of such inconvenience to the colony that it was a wonder if there was any trade left to retain.

The act became almost immediately a cause of war with the Dutch. Enterprise, energy, courage, and a spirit of endurance, that might have founded new colonies and carried trade and civilization fast and far through the world, spent itself in furious destruction of men and ships.* The Dutch, notwithstanding all restrictions, recovered their ascendancy as soon as the war was over; their success was re- 1664
garded in England with passionate jealousy. The Navigation Act of Cromwell was adopted by Charles II.; this act† apparently relaxed some provisions of Cromwell's law; the clause against importing foreign commodities, except in British ships, was made to apply only to certain articles of commerce since

* Ricardo. † 12 Car. II. cap. 18.

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known by the name of enumerated articles; but the relaxation was more apparent than real: the articles enumerated contained all the most bulky and lucrative known to commerce. But no artificial restrictions were able to defeat free enterprise and low freights. The Dutch beat us at every point:* they greatly surpassed us in the Russian trade, the East India trade, the wool trade with Bilboa, the plate trade to Cadiz: they engrossed to themselves the herring fishery on the Eastern coast, the trade to Ireland and Scotland from abroad: the Holsteiners and Danes monopolized the trade of Norway; the Hamburghers seized the Greenland trade. The Dutch, put upon their mettle by the sharp spur of necessity, improved in shipbuilding to an extent that enabled them to work their ships with a third of the number of men required by the clumsy vessels of the English.

The ship timber of Germany, France, and Denmark could be got for half the price of English timber, but the navigation laws prohibited its import: cordage, masts, sails, tackle, pitch, and tar were all cheaper, owing to the same acts, to the Dutch and French than to the English: finally, the rule that three-fourths of the crew must be English, raised the wages of sailors to such an extent that English ships often lay rotting in the harbours, while the Dutch commanded plenty of men. In fact our Navigation Act, and the stagnation of trade which it produced, drove us out of almost all our manufactures, except
1680 some remnant of our clothing trade: it is perfectly true that the commerce of the Dutch did eventually

* M'Cullagh: Industrial History of Free Nations, ii. 363.

decline, and England became the emporium of the world; but it is not necessary at this date to argue that these events came about, not in consequence of, but in spite of, the navigation laws. At the commencement of the War of Independence, America could import nothing except in English ships; she could export nothing at all except to Scotland and England; she could not even send her surplus goods to Ireland, nor could she import any commodities except from Great Britain. The advocates for and against the navigation laws argued with great earnestness. Vehement were the assertions and counter assertions made respecting their utility: one side declared that without a stringent navigation law we might at once sell our ships and resign the dominion of the sea; the other asserted, no less loudly, that every step we had made in advance had been in spite of, and not owing to, the protecting influence of the navigation law. Opinions are now no longer divided: the last rag of the "maritime charter" has been given to the winds. The lapse of time made the last generation of economists wiser than their fathers could be, and has shown that the policy which in former times has been looked upon as fraught with ruin to our trade, has become the basis of a national prosperity such as they never dreamt of. Even during the present century protectionists struggled but slowly to the light: they fought the battle manfully; they rushed on the horns of one dilemma after another with an unshrinking courage, and died fighting, a gallant remnant of a once overwhelming majority. It was possible, though not wise, to maintain the

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navigation laws as long as America remained colonial. After the revolution a remarkable illustration of the disadvantages of a navigation law was offered to the world: the law pressed heavily upon the trade of the young republic; by way of retaliation in kind, Congress enacted a statute word for word copied from our own. British vessels went out empty to America to fetch home rice, cotton, and tobacco, and American ships crossed the ocean empty to bring home calicoes and cutlery, hardware, earthenware, and iron. In each case the voyage one way had to pay the expenses of the trip out and home: to the price of the goods was added the expense of the double freight; demand for articles so costly decreased; trade diminished; the protectionist shipowner rejoiced over the high rate of freights which they had created; but the public with shrunk pockets became dimly conscious that something was going wrong.

America began to manufacture for herself, and to render herself independent of our goods, and in 1815 the practice of crossing the ocean in ballast was given up. A reciprocity treaty was entered into between Great Britain and America. The jealousy of other nations was aroused; the navigation laws still remained in force against them. The Prussians, the Portuguese, the Swedes, and the Danes, extorted from us concessions like that which we had made to America. National emulation began to replace protection; trade revived; the shipowners, who had at every stage of the struggle predicted ruin and disorder, raised loud the voice of lamentation: the foreigner, they argued, had timber cheaper, food

cheaper, wages lower; they lived in countries less heavily taxed; the Americans would have the American trade; the Prussians, Swedes, Danes, French, Russians, would have the continental trade; we might sell our ships and surrender the command of the sea.

These forebodings came to nought; unexampled activity followed each relaxation of the law. In twenty years trade more than doubled, and shipbuilding was carried on with an activity never known before.

The object which the Spanish government kept constantly in view was to render Spanish America dependent upon Spain for all the luxuries and necessities of life. All foreigners were prohibited, on pain of death, from visiting New Spain. Native Spaniards only could obtain permission to remain there for a limited time. It was thought that having no other possible market, they would thus of necessity enter the Spanish dominions. Agriculture was prohibited except under hard conditions; so far was this despotic interference carried, that at the beginning of the present century an order was issued to root up certain crops which had been planted by the Americans in forgetfulness of the prohibitory regulations.

When the Netherlands were gone, and the Moors expelled, Spain, fallen from her high estate, found it impossible to supply Spanish America with European goods; still so great was the jealousy of foreigners that no vessel might sail from any other port than Seville, nor might they clear even from that port until duly examined and licensed by the Custom-house and the Inquisition.

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The ultimate effect of that prohibition might have been readily foretold by a political economist, if such a philosopher had then existed. It was utterly impossible that a small squadron sailing twice a year from a second-rate port in Spain, could satisfactorily supply the greater part of two great continents with goods of the first necessity; it would have been impossible even if the Spaniard had possessed the will to supply them, and the money or money's worth wherewith to purchase the goods; but neither was the case. The interest of the Seville monopolists was so to regulate the supply of European goods in America, and of American goods in Europe, as to command the highest price in each market, without glutting either. America produced far more than could readily be disposed of in Spain; the monopolists purchased only a portion and left the Americans absolutely without a market for the remainder; it was not their interest to take out more goods from Europe than would suffice to make their purchases in America, and the colonists, with wealth at their command that in an open market would have sufficed to purchase all the necessaries and luxuries of European life, were compelled to dispense with both, because the selfish policy of the chartered merchants rendered their wares unsaleable. As the commercial prosperity of Spain declined, and the country sunk more and more into poverty and impotence, all the gold from the American mines was hypothecated to foreign merchants long before it arrived. The Spanish merchants had thus no means to supply America, for they had no credit to obtain goods for

the purpose. The custom arose among the traders of Seville, to allow foreigners the use of their names and of their monopoly; thus without improving the situation of the colonists, the European Spaniards received but a small percentage of the exorbitant gains which were wrung from America. After a time the prohibition was strained beyond the limit which the nature of such prohibitions allows, and had the effect of establishing a perfectly open trade: all the maritime nations engaged in smuggling transactions, which soon acquired vast importance. The contraband trade was free trade under another name; not because there were no customs, but because customs were evaded or defied. The result of the illicit traffic was probably beneficial to Spain in spite of herself; for in consequence of it the colonies rapidly increased in material power and prosperity.

A smuggling trade, on such a vast scale as that which was set on foot in the early part of the eighteenth century, would have been entirely impossible if it had not been the interest of every official and every private individual in New Spain to foster and assist it. Before then, owing to the total want of competition between Spain and other nations, or even between the various ports of Spain itself, Spanish-American produce had been worth absolutely nothing. Dr. Moreno* states that for want of transport, it was of such little value that he had seen it used to fill mud-holes in the streets of Buenos Ayres,

* Quoted by Breckenridge, in his Voyage made by order of Congress, 1717.

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it became a matter of honour with the Creoles to help on the contraband; and the profits of a perfectly free traffic were so great, that it was worth the while of merchants engaged in it to bribe the easily-corrupted officials, and thus divest themselves of the last remaining risk. The government was completely unable to make head against it, and as a last desperate resource proclaimed it a mortal sin, and made smuggling cognizable by the Inquisition.

There was one point in which the theory of Spanish commercial policy was more enlightened than that of England or France. Both of these nations sought for returns from their colonies out of the material prosperity of their country—the produce of agriculture and industry. Spain looked for her returns exclusively from *mines*, and troubled herself not at all about agriculture. (In the English plantations commerce was forbidden; in the Spanish it was permitted.)

The fundamental maxim of Spain was, that colonies existed only for the advantage of the dominant country, and its inhabitants as vassals of Old Spain. Spanish-America was a great preserve, in which Spanish adventurers might grow rich, Spanish favourites be rewarded, and Spanish merchants enjoy a monopoly. In return, America was to find gold and silver, labour, and unquestioning obedience. Every branch of manufacture was forbidden; Americans were compelled to obtain from Europe clothes, household furniture, wines, oil, and even some kinds of provisions. Humboldt tells us that when he was in Mexico, the vines were rooted up by

order of the government of Spain. Domestic commerce, between one viceroyalty and another, was forbidden; no foreigner might land on pain of death; even a native Spaniard could not travel without a licence, and no foreign ship might drop an anchor in their harbours. The most fertile parts of the country, and those which are now more rapidly advancing than any others,—such as Venezuela, Caraccas, and La Plata, were left in the utmost misery; for they had no mines, and mines alone attracted the attention of the Spaniards.

In early times, before Spanish industry and prosperity had fallen together, the products of Spain were in some measure sufficient to purchase the gold and silver, the cochineal, indigo, cocoa, jesuits' bark, sugar, and cotton of America. But bigotry and oppression had contrived so effectually to stifle industry, that by the middle of the 17th century she was unable to supply sufficient goods for her home consumption; her population dwindled, her agriculture decayed, her naval and military force sunk into contempt; native Spaniards still held a nominal monopoly, but the trade of America was really carried on for the benefit of foreigners; Spanish merchants lent their names to Englishmen and Frenchmen, and even—bitterest pill of all—to the once-despised Dutchman. The law which decreed that the whole of the cargoes of American-bound ships must be Spanish, was at length repealed; they were now obliged to relax its provisions, and permit foreign manufactures to form two-thirds of every cargo.

Thus the gold of America never came really into

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the hands of the Spaniards. The king obtained his fifth wofully diminished by the peculation of officials at the mines; but the bulk both of gold and silver was hypothecated to pay for foreign manufactures, before ever it touched Spanish soil. All the strict laws which environed the monopoly became in reality valuable for the protection, not of Spaniards, but of foreign traders. Strangers freighted the galleons for Carthagena, and the flota for Vera Cruz; for their sake the Spaniards complacently watched over the shadow of their monopoly long after the substance had vanished.

The European point of departure for the two fleets which every year conveyed the legitimate trade of Spain, was first fixed at Seville, and was afterwards removed to Cadiz. The flota went to Vera Cruz, in Mexico, the galleons to Carthagena. At each of these ports a fair was held on the arrival of the fleet, at which all the European business of Spanish-America was conducted. The South American fair was held, not at Carthagena, but at Porto Bello on the Isthmus of Panama; the climate of Porto Bello was so unhealthy that the admiral of the galleons was in the habit of anchoring at Carthagena, till he heard that the Peruvian fleet had come up from Guayaquil to Panama. He then made the best of his way to Porto Bello, where the traders of the two continents met. At first the duration of the fair was not limited by law; but the mortality was so great among the crowds who attended, that the government, with characteristic partiality for minute interference, limited its duration to forty days.

Carthagena, though no fair was held there, for a long time enjoyed the first-fruits of the European traffic. Thither the traders of Santa Fé, Popayan, and Quito, brought their own stocks, and the moneys with which they were intrusted on commission by merchants of the interior whose health or avocations prevented them from attending in person. They brought with them on the backs of mules and of Indians, gold and silver in bars, ingots, and dust; and great emeralds from the silver mines of Santa Fé. But although the galleons never ceased to touch first at Carthagena, and to wait there, sometimes many weeks, the merchants were at length prohibited from buying their goods there, or bringing their own for sale; for the merchants of Lima complained, that while they were engaged at the fairs of Panama, the markets on the western coast were supplied by Quito merchants who had made their way overland to Carthagena: thus, they said, the Lima men were deprived of a great portion of their profits. In consequence of this complaint an order was made that the merchants of the interior instead of proceeding to Carthagena, and there transacting their business, should either wait for the flotilla of Peru in its course from Guayaquil to Panama, and accompany it to Panama, and thence across the isthmus to Porto Bello, or else should wait till the galleons arrived at Carthagena on their return from Porto Bello. Of course those who adopted the latter alternative would only have an opportunity of purchasing the refuse of the fair; many merchants were thus compelled to travel across the whole jurisdiction of Santa Fé to Guayaquil, a distance of some twelve

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hundred miles, to carry their merchandize over dangerous roads and still more dangerous bridges, over mountains and morasses, and through forests and rivers. After a few trials, this plan was found so impracticable that the government hit upon a compromise that would probably have escaped the ingenuity of any other governing body in Europe. Merchants were allowed to send their goods to Carthagena in ordinary times; the *tiempo muerto*, as it was called; when trade was slack and Carthagena nearly deserted; but on notice being given that the galleons had arrived in Carthagena, all commerce ceased between the provinces of Quito and Lima, in order that rival merchants might not take advantage of those who were absent at the legitimate fairs.

Porto Bello was called, from its unhealthy climate, the grave of the Spaniards. The plate-fleet often lost a full half of its crew during the time they were delayed there. It was so deadly, even to the natives, that, except during the time of the annual fair, the beautiful place was almost a solitude. It was selected as the entrepôt of eastern and western traffic, on account of the advantages afforded by its situation. It was opposite to Panama, and the harbour was one of the safest on the coast. Nothing could present a stronger contrast than Porto Bello during the *tiempo muerto*, and the same city during the fair time. He who had seen it only in the dead season, —solitary, poor, with perpetual silence reigning in its empty warehouses, its vast ranges of wharves deserted, landing-cranes hanging with silent blocks and rotting cordage, over waters ungladdened by the

presence of a single sail,—would hardly have recognized as the same place that busy mart, whose noble harbour was 

> "Mast-thronged beneath her shadowing citadel
> In glassy bays amid her tallest towers."*

He would have seen with astonishment the change wrought in a single day. As the first stately galleon rounded the Iron Castle, and saluted with salvoes of artillery the royal standard of crimson and gold, that waved from the Castle of St. Jerome, crowds of merchants, from every port on the South Sea, hurried to the wharves; the harbour was already alive with country vessels, some of which had brought, by way of the Rio de Chagre, Cacao, and Quinquina, vicuna-wool and bezoar-stones from Peru; some laden with provisions from Carthagena and the other ports of the Caraccas. As soon as the formal courtesies were exchanged between the President of Panama and the admiral of the galleons, the merchants of Peru repaired on board the vessel of the Admiral, where the President on the part of the Peruvians, and the Admiral on behalf of the Europeans, assisted by the merchants as assessors, settled the prices of the various kinds of merchandize. "All preliminaries being adjusted in three or four meetings, the contracts are signed, and made public, that every one may conform himself to them in the sale of his effects: thus all fraud is precluded."† The signal was then given for landing, and immediately, as if by magic, the sounds of busy life arise in the ordinarily silent streets. Each ship sent its sails ashore, and made with them

* Tennyson's Œnone. † Ulloa, i. 105.

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a stately marquée in the market-place, to which its cargo was conveyed. In each tent, decorated with the ensigns of the ship to which it belonged, and the blazon of its patron saint, "Cargadores," representatives of the shippers of old Spain, assisted their consignees from Lima or Panama to find, among piled-up merchandize, the well-known private mark of their correspondents. Sailors, naked to the waist, hurried between the wharves and the market-place, dragging sledges laden with chests and bales along the uneven streets. Under the verandahs of each house of entertainment, groups of sailors, exhausted with the labour of working laden barges between the ships and the wharf, or dragging cargoes to the tents, were seen drinking and quarrelling, making love, or lying about in various stages of that intemperance which was the sure forerunner of mortal disorder. Ever and anon, without warning, the mists which rose all day from the densely-wooded sides of the amphitheatre of mountains that surrounds the town, broke over the city in torrents of rain, accompanied by storms of lightning and thunder, which appeared to break in the very streets, and to roll away repeated by a thousand echoes in the mountains.

Exorbitant prices were demanded for lodgings which during near eleven months in the year had no tenants. The inhabitants moved to the negro quarter, "Guinea," as it was called, where they built temporary huts, that they might let their own abodes. "A middling chamber, with a closet, lets during the fair for a thousand crowns:"* some of the larger

* Ulloa.

houses brought four, five, and six thousand. The ordinary inhabitants were chiefly negroes and mulattoes, whose constitutions were alone suited to the deadly place. No white men lived nearer than Panama, except the small garrison, the governor, the lieutenant-general, the commander of the forts, the civil officers of the crown, the *alcaldé*, and the town-clerk :—"None of the natives above the mulatto class ever settle here, thinking it a disgrace to live in it."* In the shops were exposed for sale maize, rice, casava, hogs, and poultry from Carthagena, and cattle from the vast grazing plains near Panama. Negroes ran about with trays, vending to the delighted Europeans cocoa-nuts, full of delicious milk, and little cubes of tender sugar-cane. Outside the town, on the sea-shore, between the barracks and the Gloria Castle, rows of booths were erected by the sailors, who offered for sale sweetmeats and other trifles, which they brought from Spain.



Meanwhile the land was covered, between Porto Bello and Panama, with droves of mules, which travelled in companies of a hundred, laden with bars of gold and silver, each stamped at the royal post of Choco, to show that it had paid its fifth to the king. Some of these droves unloaded in the great square, some at the Exchange, amidst the shouts of mule-drivers, the vociferous invitations of pedlers, the song of the labouring sailors, and here and there, perhaps, the tinkle of a guitar or the sound of waits from some ship in the harbour. All day long were heard shrieks, screams, and yells from countless monkeys

* Ulloa, Voyage, 98.

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in the woods, as if a legion of spirits in torture were abroad. This scene lasted forty days. At last, the Spanish brokers embarked their chests of specie; the merchants of Peru despatched their "chatas" and "dongos" * up the Chagre: the fair was over. More graves were added to the crowded mounds in the graveyard; the great galleons sailed out over the bar with parting thunder of artillery, and Porto Bello was left, for another year, to dreams and silence.

* Boats used in navigating the Chagre.—ULLOA.

# CHAPTER III.

## THE BUCCANEERS.

[1635—1700.]

Islands of the Spanish Main—French West India Company—Pirate Settlement of Tortuga—Laws, Manners, and Expeditions of the Freebooters—Lolonois—Taking of Maracaibo—Morgan's Expedition to the South Sea—Capture of Panama.



THROUGHOUT Europe in the seventeenth century society was rude and unpolished. Human life was but little regarded; murderous brawls were of constant occurrence; duels were frequent and had bloody endings; law itself tempered justice with but a small modicum of mercy; the hangman and the headsman, the branding-iron and the quartering-block, were in constant work. In the northern counties of England farm-houses were fortified against moss troopers, and parishes were bound by law to keep bloodhounds for the purpose of tracking freebooters to their lairs among the hills. Fearful diseases were rife in the jails; misery cowered unaided in the cities; in rural districts the labourer was still little better than a serf. When the monasteries were abolished the charity dispensed by them disappeared; but no poor law replaced its loss. Sanitary arrangements were so little understood that the sewage of great cities was

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emptied into their streets, and heaps of festering matter bred epidemics that raged with fearful violence. Strange plagues, of which we know nothing, decimated whole districts, and in some memorable instances, swept from one end of Europe to the other. The Sweating Sickness, the Black Death, the Dancing Mania; such are a few of the names by which these terrible scourges were designated. They may be read of in detail in Heckar's "Epidemics of the Middle Ages."* The lower strata of the town populations were brutish and degraded; police was little understood; order and cleanliness seem to have had no place in that dismal chaos.

It is difficult to imagine the degree of utter ferocity to which they must have attained, who, in such a state of manners, were too savage to remain within the pale of society. Yet there were in the West Indies and in the islands of the Spanish Main, organized communities of smugglers and pirates, whom the stringency of the commercial regulations of European nations had driven into outlawry, and who carried on their warfare against society with a cruelty which rendered them prominent even in those hard times.

It became known to lawless vagabonds, the scum of great European cities, that twice a year, there passed among the islands of the tropical seas a procession of stately galleons, deep with the weight of bars of gold and silver, and bales of costly merchandize, and pearls and gems. It was but natural that men, feeling habitually the sharp pinch of misery, should turn with fierce desire to the adventurous life

* Heckar. Epidemics of the Middle Ages, translated into English.

that presented such allurements; that they should contrast the squalor and hunger in which they passed their days, with the brilliant career of the bold "Brethren of the coast;" that they should long to replace famine and sordid rags with the laced coat and unlimited licence of the buccaneer; that they should dream of the riches that might reward the lucky adventurer, who should enjoy but for one hour the plunder of a royal galley, or thrust his arms elbow-deep into a sackful of pearls from Margarita.

The vast chain of islands which extends from Florida to the mouths of the Orinoco seems marked out by nature as the scene of piratical exploits. The Mexican Gulf, shut in by this chain from the main ocean, is divided by groups of islands from the Caribbean Sea. The eastward group was occupied, when Columbus discovered it, by a tribe of warlike cannibals, the scourge and terror of the more mild and hospitable shores to which he afterwards gave the names of Hispaniola and Jamaica.

Nature has there been prodigal of beauty; the climate, except during certain sickly seasons, is delightful; the sky clear, the night lighted up by a moon of unusual brilliancy, by the splendour of the milky way, and by the planet Venus, which appears here like a lesser moon, and makes ample amends for the short duration and abrupt departure of the twilight. The mountainous configuration of the larger islands causes the wind to blow from all quarters towards the land at night. Were it not for this beneficent provision, the heat would be almost too great for human habitation. Columbus, in one of his letters to King Ferdi-

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nand, says of the harbour of Porto Santo, "The water is so clear that I can see the sand at the bottom; the banks are adorned with lofty palm trees, whose shade gives a delightful freshness to the air; and the buds and flowers are fresh and beautiful. I was so much pleased with the scene that I had almost formed the resolution of staying here the remainder of my days." After the Spaniards had exterminated the ancient inhabitants of Hispaniola, the earth, no longer cultivated, bore noxious herbs, and the most beautiful of the islands became inaccessible and unhealthy wilds; but before the advent of Europeans they were in every respect delightful. The papaw tree grows there, and palmetto royal, a column of two hundred feet in height, the cedar, the mahogany, the banyan tree, which

> "Spreads her arms
> Branching so broad and long that in the ground
> The bearded twigs take root, and daughters grow
> Above the mother-tree; a pillared shade,
> High overarched, and echoing walks between." *

Deadly serpents are unknown.† The flamingo and the humming-bird are found in the woods, as well as such quadrupeds as the agouti, the peccary, the armadillo, the opossum, the racoon, and the musk rat. There were also *alcos*, native dogs who resembled their kind in Europe, except that they were compelled by natural inability to renounce the pleasure of barking. Among the peculiar animals of this favoured land are iguanas, alligators, and many other kinds of lizards, which vary from three inches to twenty feet in length, and land-crabs which march

* Milton. Paradise Lost. † Brown. Charlevoix.

down yearly to the sea in a procession of millions; nor will common gratitude permit us to forget the turtle.

Leaving, however, to the naturalist a description of their fauna and flora, the natural scenery of the West Indies may be described in the eloquent words of their historian: *—"The mountains," he says, "rise in astonishing grandeur, and are the first objects that strike the voyager's eye. Those of Hispaniola, in particular, and the blue mountains of Jamaica, have never been sufficiently explored. In proportion as the climate varies, the trees, birds, and insects on the summits of such of them as are accessible differ from those which are to be met with below, and to a spectator unaccustomed to such stupendous scenes every object viewed from these heights would appear like enchantment. In the equatorial season, while all is tranquil in the higher regions, the clouds in prodigious bodies are seen below spreading about the sides of the mountains, till, by accumulation becoming more ponderous, they fall in torrents of water on the plains. The spectator above distinctly hears the din of the tempest; the distant lightning illuminates the gloom, while the thunder reverberated in ten thousand echoes tremendously rolls far beneath his feet."

In a former chapter some account was given of the cruelties practised by the Spaniards on the native inhabitants of these islands; but these cruelties were not confined to the Indians. Firmly confident in the validity of that grant of the new world which the pope had made to the Spaniards, they pushed their claim to the fullest extent, and arrogated to themselves

* Edwards' History of the West Indies. Vol. i. p. 12.

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the right of treating all other nations as invaders and interlopers. It was little likely that this haughty assumption would be tolerated by men of such mettle as the English and French adventurers. A few Frenchmen settled upon Hispaniola, and small parties of Englishmen established themselves at Bermuda,
1630 St. Christopher, and Barbadoes. The treaty of 1630 rendered the latter settlements in theory secure. The first article provided that there should be peace, amity, and friendship between the kings of England and Spain, and their respective subjects in all parts of the world as well Europe as elsewhere; but the Spaniards, notwithstanding the agreement, treated the English, even in time of peace, as enemies wherever they met them. The fleet, which was fitted out under
1655 the command of Don Frederick of Toledo, for the alleged purpose of attacking the Dutch settlement of Brazil, went first, in consequence of secret orders from the Spanish court, to the island of St. Christopher, where Don Frederick destroyed the defenceless settlements of the French and English. The French planters fled to the neighbouring island of Antigua; the English took to the mountains, whence they sent deputies to treat for a surrender. The Spaniards demanded unconditional submission, and six hundred Englishmen were condemned for life to the horrible slavery of the Spanish mines; the rest, with the women and children, were compelled on pain of death to leave the island. The Spanish leader then destroyed the settlements, laid the country waste and pursued his voyage.

Not long afterwards, during a time of profound peace, the Spaniards attacked the small English

colony at Tortuga. The island had never been occupied by the Spaniards. The only excuse which could be alleged for such wanton violation of the treaty was the often-quoted grant made a hundred and thirty years before by the pope. Every man, woman, and child was slain; even those who surrendered and begged for mercy were hanged. The king then on the English throne could spare no time from his attempts to destroy English liberty at home to vindicate English honour in the Spanish Main: the massacre passed unavenged. Some years before the Spaniards 1650
had attacked and murdered the peaceful settlers of Santa Cruz, a little island which had been unoccupied till the English and Dutch made a small settlement on its shores. As usual, the Castilian bravoes contented themselves with cutting throats and desolating the country. They made no attempt to replace the murdered population by countrymen of their own. Mariners thrown by shipwreck on their coasts were either ruthlessly murdered, or condemned to perpetual labour in the Mexican mines. During the reign of Cromwell some satisfaction was obtained; the Protector was of different temper from the race of Stuart; he was little likely to allow any one of the English race to be oppressed without dire retribution. The English inhabitants of Barbadoes addressed a memorial to the Protector detailing their wrongs. Don Alonzo de Cardenas, the Spanish envoy, soon became alarmed at the short answers and stern looks of the Protector. At last a distinct demand was made for satisfaction and reparation. "Oliver himself," says Thurlow, "was for a war with Spain, at least in

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the West Indies, if satisfaction were not given him for past damages, and things well settled for the future;" but Cromwell was informed in plain terms, in reply to his demand for redress, that the Spaniards would persist in the same course which they had hitherto adopted towards the English in America. Reprisals were ordered, and an unsuccessful attack made on Hispaniola; but the beautiful island of Jamaica, a prize of almost equal importance, fell into the hands of
1655 the English. The most important establishments at that time on the island were St. Jago de la Vega, and the town which has perhaps undergone more marvellous vicissitudes of fortune than any other on the face of the earth—Puerto de Caguaya, since called by the English Port Royal.*

But a more effectual scourge of the Spanish race than Cromwell arose. English navigation laws pressed heavily upon trade, and large numbers of unemployed seamen crowded the sea-ports; some took to begging on the high road, many of the more adventurous joined the ranks of the buccaneers. Captain Johnson,† in his History of the Pirates, makes a pertinent observation on this point; though, as was usual at the time he wrote, he makes the fact he asserts a ground for demanding increased protection for a branch of native industry. "I cannot," he says, "but take notice, that no one has ever heard of such a thing

* Destroyed by an earthquake, June, 1692; destroyed by fire, 1702; reduced to ruins by inundation of the sea, 1722; destroyed by a hurricane, 1774; again greatly damaged by fire, 1750; by hurricane, 1784; by fire, 1815; by cholera, 1850.

† General History of the Robberies and Murders of the most Notorious Pirates, &c. By Captain Charles Johnson, 1724.

as a Dutch pirate; it is not because they are honester or less courageous than their neighbours, but because when not wanted in ships, the fisheries of the Dutch give full employment to their maritime population; had the English enjoyed the same resource, the result would have been a diminution of piracy. The Dutch have several hundred sail employed on our own coasts, and sell the English their own fish; if there were any public spirit among us, it would be well worth our while to establish a national fishery:" and, of necessity, prop it up, like all the other monopolies, with protections, pains, penalties, and disabilities.

As early as 1635 a party of Frenchmen, who had settled at St. Christopher, sent out an exploring party, which landed in Hispaniola. Finding themselves unequal to the contest which was to be expected with the Spaniards, the adventurers seized the uninhabited island of Tortuga, and after several vicissitudes of fortune, succeeded in permanently establishing themselves there. A governor was sent from the French island of St. Christopher, "together with a shipful of men, and all necessaries for their establishment and defence." The new governor fortified a rock which overhung the port at which he landed, and mounted it with two guns. Secure behind these defences, a considerable number of Frenchmen repaired to the island, which was ultimately taken possession of in 1664 by the French West India Company. 1664

But the company was no match for the piratical elements of the society already in possession; the factors could obtain no payment for their goods; to

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sell on credit, and obtain no satisfaction either of principal or interest, did not suit the French shareholders. They adopted an astounding determination, namely, to sell their factors and servants as slaves to the pirates and hunters, and to leave the latter in undisturbed possession of the island.

Each of the unhappy victims fetched, as we are told by one of themselves,* "some twenty, others thirty pieces of eight." It is difficult to refrain from expressing respectful astonishment at the unusual business talents of the French West India Company. There is reason to believe that they realized a sufficient sum, by the sale of their employés, to declare a good dividend on their otherwise unsatisfactory transaction. The person who writes an account of this hideous negotiation, though himself a free man, subjected to inhuman treatment and loss of liberty, says not a single word which could lead us to suppose that he considered the transaction itself unjust; he bewails his fate because his bodily sufferings were severe, but he repines only at the hardness, not at the injustice of his lot. It is but fair to add, that the events which he afterwards records as an admiring witness, and in which he participated as a freebooter, go far to prove that he suffered nothing which he was not himself ready in his turn to inflict, and that he looked upon all that could befall him as the fortune of war.

"On this occasion I was also sold, being a servant under the said company, in whose service I left France." Such is the matter-of-fact manner in which

* Esquemeling, Histoire des Flibustiers.

he treats a deed, which in our day makes the ears of the hearer tingle. "My fortune was very bad," he continues, "for I fell into the hands of the most cruel and perfidious man that ever was born. This man treated me with all the hard usage imaginable—yea, with that of hunger with which I thought to have perished," and so on. But he utters not one word of burning indignation for the cruel injustice and wrong to which he was subjected. In no long time the buccaneers made settlements both on Tortuga and Hispaniola. In the early days of Spanish settlement, when the aboriginal inhabitants were in process of extermination, negroes had been imported to fill their place; these had increased in number, and their race had been mingled with Indians and with Europeans; there were also half-breeds, who on one side were European, and on the other Indian. These various castes, distinguished by various names as they approached pure white blood, produced dusky beauties which the buccaneers greatly preferred to the more frigid dames who accompanied or followed them from Europe. The establishments of the Spaniards, on the mainland, were distinguished by their purely military character; like other armies they were accompanied by few women. They settled, they conquered, they ruled; but they did not, in the full sense of the word, colonize. Hence it came to pass that the settlers in the West Indies, and the lawless adventurers of Tortuga, made establishments much more complete in themselves than the Spaniards of Mexico and Peru.

The settlers of Tortuga were all engaged in one of three pursuits—hunting, planting, and piracy.

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It was from the hunters that the name buccaneers was derived: when on a hunting expedition their food consisted of the flesh of wild cattle, smoked over a *boucane* or wood fire. To this day the French half-breeds of Canada on the plains talk of the camp fire which they light at night in their canoeing or hunting journeys as "La Boucane." The hunters, like the lumberers of the modern backwoods, went forth for two years or more without returning to the settlement. Their return, Esquemeling tells us, was eagerly watched for. "After the hunt is over and the spoil divided, they commonly sail to Tortuga to provide themselves with guns, powder and shot, and necessaries for another expedition; the rest of their gains they spend prodigally, giving themselves to all manner of vice and debauchery, particularly to drunkenness, which they practise mostly with brandy." We are also informed that the tavern-keepers, and degraded hangers-on of both sexes, waited for the arrival of the buccaneers, "even as at Amsterdam they do for the arrival of the East India fleet." Naval officers, who remember Portsmouth fifty years ago when a ship was paid off, could probably give us an accurate idea of the scenes that ensued. The buccaneers of all descriptions kept their servants, or *engagés*, as they were called, in slavery. "The servants commonly bind themselves to their masters for three years; but their masters, having no conscience, often traffic with their bodies, as with horses at a fair, selling them to other masters as they sell negroes. Yea, to advance this trade, some persons go purposely into France and likewise to England and

other countries, to pick up young men and boys whom they inveigle and transport. * * * The miserable kidnapped people are frequently subject to a disease called coma, being a total deprivation of all their senses; there being often among these some of good quality, tender education, and softer constitution, they are the more easily seized with this disease." We hear of kidnapped slaves tied to trees and beaten to death, of others lashed "till their bodies were an entire stream of gore blood," and then rubbed with lemon-juice, salt, and pepper. We have, however, had enough of cruelty. Spaniards and adventurers from other parts of Europe were pretty nearly on a par in that respect.

The reckless profusion with which the wild cattle were slaughtered by the hunters was so great that the breed soon began sensibly to diminish. Herds of wild cattle were killed for the sake only of their hides, the flesh being left as a prey for the wild dogs. The buccaneers were, therefore, forced to turn their attention to some other and more lucrative employment; this was soon found in the pursuit of piracy. A buccaneer—known by the *soubriquet* of Peter the Great—was the first to demonstrate the problem. Peter, a native of Dieppe, in Normandy, was cruising on the coast of Hispaniola in an open boat, with only twenty-eight companions; it was the season when the stately flota passed through the Bahama Channel on its annual voyage to Spain. The prospect of successfully attacking with an open boat a fleet heavily armed, and commanded by an admiral and vice-admiral of Spain, would have appeared desperate to

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men in less extremity; but Peter and his companions were reduced to the verge of starvation by the failure of their provisions: a short allowance of water in the tropics may well be supposed to add increased acerbity to the most ferocious temper. The bold pirate followed the flota through the night: the vice-admiral of the Spaniards, confident in his strength, straggled away from the remainder of the convoy; he had been informed during the day that the craft which was following the fleet was of suspicious appearance, but the haughty Castilian refused to pay any attention to the movements of a foe so contemptible. In the great cabin of his galleon the vice-admiral, surrounded by his gentlemen, was carousing and playing at cards in indolent security, when an alarm was raised that the pirates were upon them; there was a struggle, but it was soon at an end: in a few minutes eight-and-twenty desperadoes, gaunt with famine, and animated with the fierce courage of despair, had run their vessel alongside, had scuttled her to prevent the possibility of retreat, and swarmed up the Spaniard's sides, knife and pistol in hand. The invaders were dressed, after the manner of the buccaneers, in shirts, soaked in the blood of wild cattle, hats rudely fashioned of straw or reeds, leather breeches, and mocassins of raw hide. Their triumphant cheers paralysed the Spaniards. The admiral was taken with his hands full of cards, and surrendered, crying, as in literal truth he might, that the ship was invaded by devils.

"The planters and hunters of Tortuga," says Esquemeling, "no sooner heard of the rich prize those pirates had taken, than they resolved to follow their

example; hereupon many of them left their employments, and endeavoured to get some small boats wherein to exercise piracy. But not being able to buy or build them at Tortuga, they set forth in their canoes to seek them elsewhere." In a few years after the exploit of Peter the Great the Spanish seas were infested with pirate ships which obeyed fixed laws, and were subject to a single chief, with the avowed intention of living by plunder. Desperadoes from all the maritime countries of Europe hastened to join them, and many thousand men moved at the command of the great captain of the brethren of the coast. Before the year was out that witnessed the capture of the Spanish galleon, twenty large vessels had been seized and formed the nucleus of a pirate fleet; two other great plate ships had been cut out of the harbour of Campeachy; and a trade in stolen merchandize had arisen between Europe and Tortuga which in no long time developed to an enormous extent, and made the piratical settlement one of the richest in the west. Men-of-war from Spain cruised on the coast of their settlements on the mainland, and waged an internecine war with the buccaneers, in the course of which the hideous cruelties practised upon the Indians by the Spaniards were equalled if not surpassed.

The community so regardless of ordinary laws, nevertheless observed a discipline of its own. The laws bore no relation to the codes of civilized nations, they related mainly to the proper distribution of captured booty; but we have the evidence of their own body that those laws were seldom disobeyed.

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All offences against their peculiar code were indeed punished with merciless severity; the commonest of these punishments was "marooning." The victim was landed on some uninhabited rock, with sufficient provisions and water for a single day: the most desperate ruffian might well shrink from the horror of such a fate. The tropical sun shines over a waste of waters, and on the desolate shore cowers a solitary man: he knows that his comrades, as they row back to their ship, are the last human faces he will see on earth; he thinks of the time, not far distant, when the thirst that already parches him will drive him mad; he thinks in mute despair of death unpitied and unseen. Long years afterwards a bleached skeleton, with an empty pitcher by its side, will convey to the crew of some passing vessel tidings of the wild vengeance of the buccaneers.

The fundamental rule of the freebooters was, that every article, both of booty and outfit, should be paid into the common purse, and accounted for in the general fund. This law was embodied in the terse phrase—"No prey no pay." Before a captain of buccaneers went to sea it was agreed how much powder, bullets, and stores each comrade should contribute to the armament. The captain was usually the owner of the vessel; his share was fixed at so many shares for the use of her. The salary of the carpenter and others who fitted her for sea was fixed at so many shares. In like manner was appraised the value of the "Chirurgeon and his chest of medicaments." Lastly, there was a tariff, according to which those mutilated in battle were to be indemnified.

When we think of the state of surgical knowledge in the seventeenth century, of the actual cautery applied to the bone of amputated limbs, of the boiling pitch and astringent powders to stop hæmorrhage, of the burnt alum, blue vitriol, and red nitrated mercury which then formed part of the medicament with which a "chirurgeon" provided himself, we cannot consider this tariff excessive. It was, for a right arm, 600 pieces of eight or six slaves. Left arm, 500 pieces of eight or five slaves. Right leg, 500 pieces of eight, and so on. An eye was considered worth one slave or 100 pieces of eight; a finger was of the same value as an eye. "All which sums were taken out of the common stock obtained by their piracy, and a very equal and exact dividend was made of the remainder." It is quite satisfactory, after wading through each account of blood, to discover that the buccaneers never murdered or tortured prisoners except when they supposed money or valuables to be concealed, or when it would be inconvenient to set them ashore: if there was any scarcity of slaves, their place was as a matter of course supplied from among the prisoners.

As time went on the pirate settlement of Tortuga absorbed more and more of the regular trade. Ships bound to the Spanish main or cruising from one settlement to another were so often captured that Tortuga became a complete emporium. Regular traders, in amity with the freebooters, made periodical voyages from Europe and supplied powder, bullets, clothing, and brandy in return for bars of gold, pearls, or other commodities which the islands or the mainland sup-

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plied. In the quaint pages of Esquemeling we gather hints whence we may form an idea of a pirate town. The early French governor had perched a fort upon the rock that overhung the harbour; palm-trees waved their feathery arms to the very shore; and on the side opposite to the old French fort, the Spaniards in one of their expeditions had cut a road through the rock to the top of an eminence whence cannon could command the harbour. The town was in the valley; taverns and disorderly houses crowded its streets as well as warehouses of the contraband traffic; merchandize was transported on the backs of horses, a hideous breed, the degenerate descendants of Spanish barbs, or on the scarred shoulders of slaves, white and black. We are informed that Rock, the Brazilian pirate, who "in private affairs governed himself ill, and would often appear brutish and foolish when in drink," ran up and down the streets, beating and wounding those he met. We are told, too, of a pirate of more jovial mood, who, while his money lasted, would buy pipes of wine or runlets of spirits, and, knocking out the head, station himself in the narrow street, where with drawn sword he kept the way and treated passers-by to a draught of wine or a fight, as suited their inclinations. If the liquor did not disappear quickly enough, he would throw it about the streets and on the people, "regardless of their apparel." Enormous sums were wasted in the dens of Tortuga: pirates occasionally landed with booty amounting to six or seven thousand pieces of eight per man; on one occasion a single vessel came in with a booty of 260,000 pieces

of eight. It was not safe to run up a tavern score in Tortuga, for it was no uncommon thing for a brother of the coast to gamble away three or four thousand pieces, in the frantic debauchery of a single night, and be sold for the satisfaction of his tavern score in the morning. The English, it appears, were more severe with their slaves than any others. But there was a Dutch planter who enjoyed an unenviable reputation for ferocity even among those savage men: he was known to have beaten more than a hundred unhappy servants to death! The English, who held their slaves for seven years under the name of apprentices, used habitually to exercise revolting cruelties upon them in the sixth year of their service, in order to extort from them a consent to be sold to another master, in which case the seven years' apprenticeship began over again. It was law among the English planters that if any man owed his neighbour more than twenty-five shillings English, he was liable to be sold for a limited time—six or eight months—in satisfaction of the debt.

The piratical exploits of the buccaneers at length almost paralyzed the commerce of Spain; fewer ships were sent to the colonies, and those under a stronger guard: the buccaneers, who now numbered many thousands, finding their booty diminishing, began to take to robbery on land.

The first who led any considerable expedition was one Lewis Scot, who attacked and almost destroyed the city of Campeachy, on the coast of Yucatan. After Scot came Mansvelt, or Mansfield, who invaded Granada, and penetrated as far as the South Sea, and

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Davis, who took the city of Nicaragua, and plundered the churches of vast stores of plate and jewels.

But an expedition on a larger scale was soon arranged. A Frenchman, born on the Sables d'Olonne, in France, and thence known as L'Olonnais, had been kidnapped by the French West India Company, and sold as an engagé in the Caribbee Islands, whence he escaped and joined the buccaneers at Tortuga. This man soon obtained among them high command, and at length found himself at the head of a fleet of eight vessels, the largest, that of Lolonois himself, carrying ten guns. After seizing a few prizes, amongst them a government ship laden with military stores for Hispaniola, Lolonois set sail with his fleet for the Gulf of Maracaibo.

The gulf is some sixty leagues in length. It is, in fact, a great estuary formed by several rivers, which there discharge themselves into the ocean. It narrows itself at the mouth to a small passage, hardly a gun-shot across: this entrance the Spaniards had guarded with two forts. The town of Maracaibo was one of about a thousand inhabitants, of which eight hundred, all Spaniards, were able to bear arms. It is characteristic of the Spanish dominion, that a town of this size, besides the parish church, contained no less than four monasteries. A considerable trade existed between Maracaibo and Gibraltar, a still larger settlement on the other side of the gulf. The prospect is described by one of the pirates, who took part in the attack, as "very delicate." He says that the neighbouring plantations were highly cultivated, and produced, besides sugar and cocoa, oranges,

lemons, and other fruits, tobacco of such excellent quality that it received the name of *tobacco de sacerdotas*, or priest's tobacco. Mountains covered with perpetual snow closed in the prospect; across them lay the road where at certain seasons of the year merchandize was carried on the backs of mules between Maracaibo and Gibraltar, and the settlement of Levida.

In the gulf itself lived a tribe which the Spaniards had been unable either to civilize or to enslave, and whom they therefore called *bravoes*: the mosquitoes were so numerous and troublesome that these people were obliged to build their houses on posts in the water; a considerable fishing settlement also existed, the inhabitants of which adopted the same kind of amphibious existence.

Lolonois landed his men on the Isla de Vigilias, a league from the fort which commanded the entrance to the gulf. The fort was but a rude breastwork formed of gabions, but was mounted with sixteen great guns. Earthworks were likewise thrown up outside the fort to protect the defenders in a sally. An ambuscade sent by the governor to intercept the pirates was itself cut off from the fort; five hours of desperate fighting ensued, and the work was taken by storm, if such a term can be applied to an engagement in which the pirates had no more formidable artillery than their pistols. The defeated ambuscade fled at once to Maracaibo, screaming that the pirates, two thousand strong, were upon them. The unfortunate town had before been sacked. The inhabitants knew what was to be expected from the

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tender mercies of the buccaneers; while the fight was still raging on the Isla de Vigilias, the whole population of Maracaibo fled fast in boats and canoes, with all the valuables and money they could collect, to the town of Gibraltar, higher up the lake. Lolonois brought up his fleet, demolished the fortifications, dismounted and spiked the guns, and, having thus secured his retreat, took possession of the town; where he established his main-guard in the great church. Abundance of flour, bread, and pork offered irresistible attractions to men who for weeks had been pent up in filthy small craft. Kegs of brandy and casks of wine soon changed the scene into one of brutal debauchery: a party scoured the woods, and brought in 20,000 pieces of eight, several mules laden with household goods and merchandize were seized, and about twenty prisoners. These were put to frightful tortures, and ultimately murdered, in a vain attempt to extort from them the secret spot where the townsmen had concealed their treasures. Nothing, however, could be found; and, after some days of inaction, the pirates took to their ships and moved up to the attack of Gibraltar. But the governor of Lerida, a valiant soldier, who had fought with distinction in Flanders, had been summoned by the affrighted men of Maracaibo, and was there before them.

Lolonois, on moving up to the attack, found the royal standard of Spain floating on the air; new defences, barricades, and abbatis had been formed, and heavy guns trained on the narrow path by which alone they could gain access to the fort. Eight

hundred Spaniards were behind the entrenchments; the pirates numbered three hundred and eighty men. The fight was long doubtful, but nothing could resist the courage of men who fought with the certainty of death in one scale and the prospect of unlimited plunder in the other. The Spaniards gave way, but not before they had lost two-thirds of their number. Five hundred were dead, a few took to the woods, some were taken prisoners and locked up in the great church. The buccaneers hauled down the Spanish colours, and substituted those of France. Forty of their companions were killed, and about eighty wounded; but the miasmata of those dismal swamps were more fatal than Spanish steel—none of the wounded recovered; the dead were piled up in two canoes, and sunk with stones a league out at sea. The provisions began to fail; the prisoners died of hunger by scores, for no share of the small stock was allotted to any of them, except to some of the women, who were reserved for a fate hardly more merciful. The wretched prisoners before they died were as usual put to the torture, in order to discover the treasures which the inhabitants were supposed to have concealed. A few were sent to the Spaniards who were in the woods, demanding ransom for the town, which, to give emphasis to the demand, was set on fire. After some delay a ransom was paid, and the buccaneers, after carrying off the pictures, images, and bells of the great church, took to their ships and made their way to the Isla de la Vaca, a settlement of French buccaneers, where the gains of this notable expedition were divided. In ready money they had no less a sum than

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260,000 pieces of eight, besides large jewels and uncoined plate. "But," says the buccaneer historian, "in three weeks they had scarce any money left, having spent it all in things of little value, or lost it at play. The taverns and stews, according to the custom of the pirates, got the greatest part."

But by far the most important character among these lawless men was Sir Henry Morgan. The honourable prefix to his name Morgan owed to the whim of Charles II. He was the leader of the famous expedition against Panama, by far the most important of all the actions performed by the buccaneers. The celebrity which he obtained by his success in this expedition obtained for him the appointment of governor in one of the West India islands, where he waged war with great determination against his former companions. Like Lolonois, Morgan had been in his youth kidnapped and sold as a slave. The hideous cruelties which were perpetrated on apprentices have been already mentioned: it was natural that men smarting under cruel wrong, and entertaining fresh in their memory the recollection of tortures, mutilation, and starvation, should have their dispositions permanently warped, and their tempers made cruel and savage. Morgan was as bad in this respect as any of his associates. In person he was rather handsome, and in dress and manner imposing. A picture of him still exists; it represents a man of middle age and portly presence, with thin straight nose, and rather overhanging brows, knit apparently into an habitual frown. The lower part of the face is heavy and

sensual; the moustachios, carefully trained, curl upwards. He wears his own hair, which hangs in ringlets over his shoulders; his neckcloth of the finest linen, and edged with rich lace, falls down over an embroidered doublet; the sword-belt which crosses his shoulder is magnificently embroidered: altogether a man careful of personal appearance. The portrait was taken, no doubt, when Sir Henry had retired from business, and had, like Falstaff, determined to forswear sack (*i.e.* sacking of towns) and live cleanly. Morgan's first exploits were on the coast of Campèche; but the taking of Puerto Velo was the first action of importance in which he was engaged. This city, which stands some fourteen leagues from the isthmus of Darien, and eight from Nombre de Dios, was one of the strongest fortresses in New Spain. On the arrival of the yearly galleons from Spain, the merchants of Panamá used to come across and reside there during the time of the fair. Thither they brought the ingots of gold, to take back in return the merchandize of Old Spain, and slaves, brought for sale by the Negro Company. Morgan came suddenly upon the fortress in the night, surprised the sentry, and without much difficulty made himself master of the outer defences. Placing all the prisoners in one room, together with a few barrels of gunpowder, he blew the whole building into the air, and rushed upon the city.

A detachment took possession of the cloisters, and seized the religious men and women, whom they put to curious use in their subsequent attack on the citadel, where the chief inhabitants had taken refuge

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with large stores of plate and jewels. One after another the detached forts fell into his hands, but the citadel was still to be taken by escalade; for that purpose three or four ladders, broad enough for five men abreast, were hastily constructed. Counting on the superstitious veneration of the Spaniards for monks and nuns, Morgan ordered his religious prisoners to precede the freebooters up the ladders. "Captain Morgan," says Esquemeling, "was persuaded the governor would not employ his utmost force, seeing religious women and ecclesiastical persons exposed in front of the soldiers to the greatest dangers. The religious men and women ceased not to cry to the governor, and beg him to deliver the castle, and save both his and their lives." The town was carried at length, though "with great loss of the said religious people." A hundred thousand pieces of eight was imposed as a ransom on the city, and this, together with the other prizes taken during the voyage, amounted to the enormous sum of 250,000 pieces of eight in hard money, besides cloth, linen, silks, and the guns of the fortresses, which Morgan put on board his ships. He then sailed to Jamaica, where the greater part of his plunder was in a few days wasted in the usual prodigal fashion.

These repeated booties, though they did not permanently enrich the men who acquired them, of course materially increased the resources of the haunts to which the pirates were in the habit of repairing. The town of Port Royal, in Jamaica, was in the highest esteem among the buccaneers, for whom the limited resources of Tortuga afforded insufficient means of

debauchery. Edwards, in his "History of the West Indies," though he dismisses the buccaneers with half-a-dozen lines of notice, acknowledges that they contributed largely to the rapid increase of the settlement. On several occasions, during his career, Morgan, treated apparently upon equal terms with the governors of the British West India islands. On one occasion, when he had ordered his fleet to rendezvous at the Isla de la Vaca for the purpose of a marauding expedition on the coast of Venezuela, an English ship newly come from New England, and mounting thirty-six guns, was ordered by the governor to "join Captain Morgan, and strengthen his fleet, and give him greater courage to attempt mighty things." Any one who will read the account of the expedition thus recognized and sanctioned by an English governor, and note the awful cruelties which were perpetrated by the licensed freebooter, will assuredly be of opinion that usages of civilized warfare were little taken into account by our forefathers. The buccaneers sometimes acted with courtesy, if not with honour; for we have an instance of a French pirate taking provisions, of which he had extreme need, out of an English ship, and paying for them by bills of exchange on his piratical consignees in Jamaica and Tortuga.

But the chief exploit performed by the buccaneers was the capture of Panama. In August, 1670, Morgan collected his fleet at Jamaica, and after several adventures cast anchor off the castle of Chagres. The castle was built upon an eminence at the mouth of the river, and was fortified with wooden palisades

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filled up with earth, and well manned and armed. The buildings inside the stockade were, as is usual in that burning climate, thatched with straw. Inaccessible on three sides, it had but a single narrow entrance towards the sea. This approach was defended by heavy guns and the usual devices of abbatis and palisades. The pirates made their assault with their accustomed fury. But the fort would probably have resisted their attack had it not been for an accident; an arrow shot from the fort struck one of the adventurers, who pulling it from his body, wrapped some cotton round it, and setting it on fire, discharged it blazing into the thatch of the powder magazine. An explosion ensued; a breach was blown in the palisades; great heaps of earth fell down into the ditch; the pirates fired the palisades in a dozen places at once, and rushed through the blazing openings to the attack. It was by this time well known to the Spaniards that death was preferable to the tender mercies of Morgan and his men: the garrison defended themselves with the courage of despair; many of them flung themselves from the rocks rather than ask for quarter, but before midnight the last defences were forced, and the pirates scrambled up the breach in the midst of a shower of hot pitch and stink-pots. Dead and dying were cast into the waves; the wounded were placed in a church, where the female prisoners were already immured, and through the long night the dying mingled their groans with the frantic riot of which the sacred edifice became the scene.

Morgan was now in possession of a base of operations: he lost little time in preparation; five hundred

men he left on board his fleet, a hundred and fifty guarded the fort of Chagres against surprise, and superintended the labours of its former defenders, whom they compelled to work at its restoration: with twelve hundred more he himself commenced the ascent of the Chagre river on his way to Panama. He had received intelligence that the Spaniards lay in force in different ambushes on the way; he therefore took but little provisions with him, hoping to wrest the means of living from the enemy. The first day he advanced but six leagues up the river, which was very dry for want of rain, and obstructed by trees that had been carried down it by former floods: at evening the men went ashore to stretch their limbs, contracted by close packing in the boats, and to forage for supplies; but the plantations were deserted, the pig-yards empty, the maize and vegetables hidden or destroyed: so the expedition went hungry to rest among the trees, with no solace but a pipe of tobacco. The second day ended in a similar disappointment; they everywhere found traces of the Spaniards, but everything eatable had been destroyed or removed. The freebooters quitted their boats and took to the woods; but though they discovered the huts, made by a party of about five hundred Spaniards, there was no food. The fourth day they began to feed upon the leather bags in which they usually carried their provisions; by the fifth they were in extremity; they soaked their mocassins in water, and chewed them to allay the sharp gnawing of their hunger. "Some who never were out of their mothers' kitchens may ask, how

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these pirates could eat and digest those pieces of leather so hard and dry?—whom I answer, that could they once experiment what hunger or rather famine is, they would find the way as the pirates did."* On the fifth day of this frightful journey they found two sacks of maize and two great jars of wine which had been left behind; but two sacks were as nothing among twelve hundred starving men. They wandered on, their clothing torn to rags, gaunt with famine, ferocious with despair; the weak were put into the canoes, and the rest continued their course along the banks; for eight days they persevered, keeping themselves alive with roots and leaves. On the sixth day they had found a barnful of maize; they beat in the doors and ate it dry. Murmurs rose against their leader; some of the most mutinous refused to follow him; but the majority remained firm, swearing to have revenge for their sufferings upon the Spaniards. In a village by the river side, deserted like the ambuscades, they found a few cats and dogs, the only living creatures left; these they devoured. They were now at the village of Cruz, six leagues from Panama: it was the place where goods coming to the isthmus were stored, for it was the highest point to which the river Chagre could be navigated. Merchandize was brought thither from Panama on the backs of mules.

On the morning of the ninth day, the famished company came in sight of the South Sea. Before them were spread smiling plains covered with cattle; cows, horses, bulls, and asses were killed in indiscri-

* Esquemeling.

minate slaughter; huge fires were lit, at which the men hastily "carbonadoed" the still smoking carcases, and ate them half-raw, with the fierce eagerness of famine: "such was their hunger that they more resembled cannibals than Europeans, the blood running down many times to their waists."

They resumed their march; as they came within sight of the steeples of Panama, their trumpets sounded and drums were beat. They then made bivouac upon the plain, waiting impatiently for daylight to commence the attack. Reconnoitring parties of mounted Spaniards came out of the city, and galloped round the camp of the "*perros Ingleses*"—the English hounds. "*Nos veremos!*" they shouted; "we shall meet you soon."

The Spaniards had blockaded the paths leading to the city, and had trailed their artillery to defend the main approach. Morgan led his men by a path known to his Indian spies, which lay along the face of a rugged cliff. The governor of Panama thought himself now secure of victory; he despatched droves of wild cattle along the narrow ledge, goaded by Indians from behind, to sweep the buccaneers from the path. But the hunters of Tortuga were not to be daunted by such familiar objects; they knew how to scare and turn the furious beasts as well as the native drivers themselves; a few only broke through the English companies and tore the colours in pieces; the greater number fled down the road along which they had been driven, back on to the plain where the forces of Spain were now perceived drawn up in battle array. The engagement was

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commenced by the Spanish horsemen; but the ground was marshy and unfit for cavalry: they failed to turn the flank of the English, who, though vastly outnumbered, fell with irresistible fury upon the infantry, which broke and fled. No quarter was given; the wounded were pistolled or knocked on the head. In vain the Spaniards shot chains and broken iron from the walls: foot by foot the soldiers of Castile were driven back, and the English flag waved over the fortress of Panama.

Morgan fired the city; by night the greater portion was in flames. The houses built, as at this day, mostly of wood, burnt with inconceivable rapidity. The pirates attempted to arrest the fire, but it was too late: a few dwellings built of cedar curiously and magnificently carved, and richly adorned with hangings and pictures, were saved with the utmost difficulty by blowing up a cordon of houses round the burning ruins. It was four weeks before the flames were finally trampled out. The stately warehouse built by the Genoese for their trade in negroes was burnt to the ground; two hundred other great warehouses and many slaves who had hid themselves there were destroyed; the vast stables for the horses and mules that carried the great ingots of the King of Spain, were dismantled. Eight monasteries, one stately church, and a hospital, which were among the architectural glories of Panama, were uninjured; another church still more magnificent was consumed. The uninjured church was, according to the custom of the buccaneers, made a receptacle for the wounded. Two thousand houses belonging to the great mer-

chants of Spain, and five thousand more of less value, were altogether annihilated; but the palace of the bishops was spared. The piety of many generations of Spaniards had adorned the churches with rich altar-pieces, and had endowed both them and the monasteries with stores of gold and silver plate. These, with the sacred paintings, were concealed by the ecclesiastics. The pirates encamped outside the city, watching the companies of Spaniards who, though they rallied, could not again be brought into action. Morgan gave strict orders that no man should get drunk; the order was obeyed, for it was accompanied by an ingenious intimation that he had received information of the liquor being poisoned by the Spaniards. Finding that no fresh attack was made, Morgan removed his men into the city, and billeted them in the empty houses. Non-combatants, at the first assault, had fled in terror to the forest and mountain. The pirates employed themselves industriously in searching among the ruins for utensils of gold and silver that were not quite wasted by the flames. The scenes which always followed the sack of a town by the buccaneers, afforded time for the fugitives to escape, and robbed the ruffians of a prize richer than any they had yet taken. Amid the confusion a great Spanish galleon sailed out of the harbour laden with the king's plate, jewels, and other precious goods of the richest merchants of Panama. On board this galleon were the nuns from the great convent, who embarked with all their ornaments and the plate of their church.

The pirates sent four boats to search the various

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harbours along the coast. These captured a "reasonable good ship newly come from Payta," laden with cloth, soap, and 20,000 pieces of eight.

Morgan after a stormy scene with his followers, slipped away with a few companions to Jamaica. He had with him in his expedition men of every nation, and amongst them a large body of French, who accused the English of keeping the best part of the spoil for themselves, in contravention of the fundamental law of the brethren of the coast. When this dispute broke out they were working their way back to Chagres across the isthmus. They were encumbered by a crowd of unfortunates, whom, in default of ransom, they had enslaved. The dismal procession was halted, and every man, the captain himself included, stripped and searched. The fastidious delicacy of the French was outraged by this proceeding, and a violent quarrel ensued. Morgan, as soon as he arrived at the coast, went on board one of his ships, scuttled the rest, and set sail with those of his followers on whom he could best rely. Such flagrant violation of the laws of the community could never be forgiven. Morgan never appeared as a leader of the pirates again; he was afterwards made governor of one of the West India islands by the king, and distinguished himself by unrelenting persecution of his former associates.

It was the custom among the buccaneers for each adventurer, on his arrival in port, to purchase an Indian woman "at the price of a knife or any old axe, wood bil, or hatchet; by this contract the woman is obliged to remain with the pirat all the time he

stays there: she serves him in the meanwhile with victuals of all sorts that the country affords; the pirat has liberty also to go when he pleases to hunt or fish or about any other divertisement, but is not to commit any hostility or depredation on the inhabitants, seeing that the Indians bring him in all that he needs or desires."

The Indian women often became attached to their lawless friends, and accompanied them to sea, or remained with them for whole years without returning home. Many of them spoke English and French, and some of the pirates were acquainted with the Indian language. "Being very dextrous with their javelins," says Esquemeling, "they are useful to the pirates in victualling their ships by the fishery of tortoises and manitos. One of these Indians is alone able to victual a vessel of one hundred men."

As the customs observed at the Isla de los Pinos are under discussion, it may be remarked that an invitation to dinner involved a somewhat unusual ceremonial, which the chronicler thus describes:—"They are very unskilful in dressing victuals, so that they seldom treat one another with banquets, but when they invite others they desire them to come and drink of their liquors. Before the invited persons come to their house, those that expect them comb their hair very well, and anoint their faces with oyl of palm mixed with a black tincture which rendreth them very hideous. The women also daub their faces with another sort of stuff which makes them look as red as crimson, and such are their greatest ornaments and attire. Then he that invites takes his arms, which

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are three or four azagayas, and goes out of his cottage three or four hundred steps, to wait for and receive the invited persons. As soon as they draw nigh he falls down on the ground, lying flat on his face without any motion feigning himself dead; being thus prostrate, the invited friends take him up and set him on his feet and go all together to the hut. Here the persons invited use the same ceremony; falling down on the ground as the inviter did before. But he lifts them up one by one, and giving them his hand conducts them into his cottage, where he causes them to sit. The women on these occasions use few or no ceremonies. Being thus brought into the house, they are presented every one with a calabash of about four quarts full of achioc almost as thick as water-gruel, or children's pap: this they are to drink off, and get down at any rate. The calabashes being emptied, the master of the house with many ceremonies goes about the room and gathers his calabashes, and this drinking *hitherto* is reckoned but for welcome."

No expedition of such importance as that against Panama was ever again undertaken by the buccaneers. Political reasons soon caused the dispersion of their community. The English were the first to secede. Morgan's expedition to Panama was in 1671: England and Spain were at that time in amity; it was the time of the Cabal, of the secret treaty between Charles II. and Louis XIV. to restore the Roman Catholic religion in England: the time when the French king and his English ally were preparing to reduce the young republic of Holland to obedience,

and Charles had just shut up the English exchequer, and resolved to rule without a parliament. This then, was no time for encountering the hostility of the Spaniards. Men-of-war from England brought out orders to the governor of Jamaica, to return and give an account to the English king of his policy in favouring the pirates, "to the vast detriment of the King of Spain." A new governor was sent, who despatched to the various ports a notice "That for the future he had received from his sacred Majesty and Privy Council strict and severe orders not to permit any pirate to set forth from Jamaica to commit any hostility or depredation on the Spanish nation or dominions or any other people in those neighbouring islands." The pirate commonwealth in Port Royal was then for the time broken up, and the forces of the French and English buccaneers removed to Tortuga.



The English buccaneers being thus stopped, the French pursued their calling alone till the Treaty of Ryswick: Louis being at the time of the signature of 1697
that treaty, at peace with Spain, in consequence of the successful termination of the dispute about the Spanish succession, sent out orders which effectually restrained their marauding propensities. In a short time the buccaneers were absorbed in the general population.

# CHAPTER IV.

## ENGLISH COLONIES UNDER QUEEN ANNE.

[1702—1713.]

Accession of Queen Anne — Temper of the Colonies at that period— Review of the Colonial Policy of William III.—Progress of the War of the Spanish Succession—Views of English Politicians of Louis XIV.— Provisions of the Treaty of Utrecht—Assignment of the *Asiento* to England—Canada and Acadia during the War.

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1702

IN a former chapter it was recalled to the reader's recollection, that war was declared with France in the first year of Queen Anne. The war was at first exceedingly popular; the insult which Louis had fastened upon England was so imprudent, that the staunchest Jacobites wavered; it concentrated on itself the attention of the nation, and raised such a storm against the Pretender and his claims, that it would have been mere madness on the part of his adherents to attempt at that moment interference with the Act of Settlement. The queen accordingly, under the parliamentary authority which had given William his power, ascended the throne amidst profound tranquillity. The news of her accession was received very quietly by the colonies; all submitted without objection or remonstrance to the transfer of their allegiance, ordered by the Imperial Parliament.

Maryland, with a show of attachment which was considered somewhat officious, passed an act recognizing the queen's title;* but her Majesty was advised to thank her transatlantic admirers for their loyalty, and at the same time to disallow their act, on the ground that parliamentary jurisdiction required no confirmation by colonial legislatures. The ministers at the commencement of active hostilities were somewhat embarrassed by the defenceless state of the plantations: they ordered the governors to proclaim war against France, and desired the assemblies "to build fortifications and to aid one another," an order which was obeyed no better than vague commands unenforced by authority usually are. They also warned the provinces of the mischiefs which arose from their trading and corresponding with the French during the last war, and desired them to avoid similar practices in the present; the only practical step adopted was to station frigates on the coasts, and supply convoys for the colonial commerce. Having thus attempted to give the colonies some assurance of safety, the attention of ministers was directed to their political condition. The administration of King William had given a blow to royal authority from which it was never destined to recover; a democratic temper animated all the provincial assemblies, and the embarrassments of the late reign descended with additional force to the present. Dudley, who assumed the government of Massachusetts in 1702, wrote to the Board of Trade that "even many of the counsellors were common-

* Chalmers, i. 315.

60354

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wealth men," and he informed the Earl of Nottingham,* the first Secretary of State for the southern department appointed by Queen Anne, "that he had communicated the queen's requisitions to the assembly: but though he used all possible methods, he found it impossible to move that kind of men, who love not the crown and government of England, to any manner of obedience." Similar language was held by Mompesson, the chief justice of New York, who wrote to Nottingham,†—"Anti-monarchical principles and malice to the Church of England daily increase in all those places where the magistrates encourage them, which is done in most proprietary governments, not omitting Boston; and to my own knowledge some of their leading men already begin to talk of shaking off their subjection to the crown of England." Warnings conceived in a like spirit were addressed to the government by Colonel King, who had commanded the artillery in Phipps' disastrous expedition to Canada; King strongly advised that the charters of the proprietary governments should be forfeited to the crown, or taken away by act of parliament. Broughton, the attorney-general of New York, declared to the Board of Trade that there were in the New York assembly "republican spirits, who retain the leaven of the late factions." In fact, according to the opinion of the crown officers, who had the best means of observation, the colonies, nearly without exception, from the beginning of the reign of William III., resolved on asserting complete legislative independence, and emancipating them-

* December, 1703. † July, 1704.

selves, whenever they had the opportunity, from the authority of Great Britain. It must be acknowledged that the policy of William III. had directly tended to promote a spirit of resistance: at the outset of his reign, when he entered upon the quarrel with France that terminated at Ryswick, Louis XIV. made him a proposal, that notwithstanding the war in Europe, the colonies of both nations in America should be permitted to maintain a strict neutrality. The proposal was unfortunately rejected: William supposed that twelve populous communities, such as those under his rule, would be more than a match for two countries like Canada and Acadia, which were comparatively sparsely settled. He knew that New York and New England contained 16,000 fighting men, and that Canada could hardly bring 3,000 to the field; but he omitted to take into consideration that the provinces of France were under the direct and absolute control of one warlike head, that they had no will but that of their military chiefs, while his own American dominions were inhabited by men who were often eager to dispute the authority of English royalty, and who omitted no opportunity of thwarting and resisting his will, even in cases when they had no excuse for denying his supremacy.



1698

The result proved that William had miscalculated his force: he was not justified in his refusal of the French king's overtures; far from strengthening himself by extending the war to America, he had roused against himself and his successors a sentiment of animosity which at length overthrew British power in the west. The colonists bitterly resented

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the action of the parliament, which, not content with taxing the British islands, and granting, as had been done at the Restoration, tonnage and poundage dues by way of subsidy for the war, renewed the plantation dues which had been so unpopular in 1672.* It was perhaps not so much the commands given by William that weakened his authority, as the discrepancy between the stringency of his edicts and the means at his disposal for enforcing them. He might order Virginia to provide a revenue, and the governor to prepare vigorously for war, but it was always in the power of the Virginians to refuse supplies, and to reduce the royal representative to a position of mere subservience. The king might, by the exercise of his prerogative, deprive Maryland of her charter and convert the possessions of Lord Baltimore into a royal province; he might desire the New England settlements to form a confederation for defence, and provide means for active operations against the enemy; but, though the time was not ripe for open opposition, and in most cases the letter of his instructions was obeyed, passive resistance, apathy in action and faction in council, were always able to defeat the spirit of his plans: "three thousand miles of ocean lay between him and them, and in all large bodies the circulation must be less vigorous at the extremities."† The colonies took advan-

* II. William and Mary, sess. 1, c. iv. Chalmers, in his "American Revolt" (vol. i. 228), has the following note: "Against that Money Bill the New England merchants petitioned, because it contained the duty which had been with the justest policy imposed on the importation of fish and fins in vessels of the plantations, in order to favour the fishers of England; but the Commons refused that petition."

† Burke.

tage of the confusion produced by the war, and not content with disregarding the royal commands wounded the English people in the tenderest point by infringing the strict monopoly established by the navigation laws. They presumed, as the governor Sir William Davenant complained, "to set up for themselves, and to load their effects on ships belonging to foreigners, and to trade directly with other nations, sending them their commodities and receiving from thence manufactures not of our growth, to the great damage of the kingdom." Intelligence such as this roused the ready jealousy of Liverpool and Bristol merchants; Parliament was alarmed by the intelligence that an extensive trade was carried on between the plantations and the coasts of Ireland and Scotland, by which the national revenue suffered to the amount of 50,000*l.* a year: a council of commerce was on the point of being established, when the discovery of the assassination plot put an end to the debate. Before it could be resumed, the king himself 1695
took the matter in hand; a royal commission established the Board of Trade. Till then the supervision and management of the British colonies in America had been intrusted to several lords of the privy council, who were constituted "a committee for trade and plantations:" now a number of gentlemen 1696
holding high offices in the state * were appointed,



* The first Commissioners were The Keeper of the Great Seal, or Chancellor; The Lord President; The Lord Privy Seal; The Lord Treasurer; The Lord High Admiral; The Secretaries of State for the time being; The Chancellor of the Exchequer, and the following noblemen and gentlemen: John Earl of Bridgewater, Ford Earl of Tankerville, Sir Philip Meadows, William Blathwayte, John Pollexfen, John Locke, Abraham Hill, John

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under the privy seal, commissioners during the royal pleasure for promoting the trade of the kingdom, and for inspecting and improving the plantations in America or elsewhere. This board was required and empowered to examine into the general condition of the trade of England and of foreign parts; to make representations to the king thereupon; to take into their custody all records and papers belonging to the plantation office; to inquire into the condition of the plantations; to examine into the instructions of the governors, and to represent their conduct to the king; to present the names of proper persons for governors and secretaries in the colonies, to the king in council; to examine into and consider the acts passed in the colonies; to hear complaints and make representations thereupon; with power to send for persons and papers, &c.

This summary mode of settling a question upon which parliament had already held several angry debates was not altogether popular; it was looked upon by many as a great stretch of the royal prerogative. The Commons were not prepared to acquiesce in the appointment of a board whose members held office during the royal pleasure, and were invested with such extensive authority. Copies of the commission and of the proceedings of the Board were moved for in both Houses, in order that both their

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Methuen. The great officers of state for the time being, mentioned above, continued members of the board till its final dissolution in 1782. Royal commissions were issued from time to time of the same tenor of the one of 15th May, 1696, only substituting new members in place of the old.—See Mr. Brodhead's Preface to New York Col. MSS. i. xv.

powers and their actions might be efficiently scrutinized; the Board in their answer reported that they had employed much time in promoting domestic industry, in urging foreign enterprise, and much attention in corresponding with governors of colonies, in perusing acts of colonial assemblies, and in giving energy to the laws of navigation which it had hitherto been found so difficult to enforce. This report was the first of what afterwards became, for many years, an annual account of the state of English commerce.

Before the Board of Trade had been long in existence, it became evident that twelve independent legislatures, differing as widely as did those of the English colonies in their objects and views, were little likely to afford each other that support which alone could enable them to make head against France. It was impossible, wrote the Board, to imagine that the Anglo-Americans should grudge the employment of their own hands and purses in defence of their own estates, lives, and families, and yet expect to be wholly supported from England; yet it was difficult to concert any effectual measures for the defence of the colonies "unless his Majesty shall appoint a captain-general of all his forces, and of the militia of all the colonies, with power to levy and command them for their defence."* During the session of 1696, parliament deliberated anxiously on the affairs of the colonies. The navigation laws were becoming almost a dead letter; and English merchants were haunted by the idea that in them lay the only hope of saving the commerce of England from ruin. There was no

* Chalmers asserts that Locke was the author of this proposal.

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one to combat this view, which was shared by all classes of men. In their endeavours to insist upon the literal execution of the hateful laws, Parliament entered upon a course of policy which had the effect of teasing the colonists, and gradually working them up to a state of exasperation, without attaining the object in view. It also enacted that all officers in the courts of law, or in the treasury of the plantations, should be filled by natural-born subjects: many of the bye-laws which had been passed by local legislatures were annulled, and the king was invested with authority to overlook the acts of governors of the chartered colonies.* The statute which contained these and other changes was brought in by William Blathwayte, one of the commissioners of trade, and passed the Commons without division or debate. Some of the provisions of the act were reasonable enough; some were more open to censure; but all were looked upon by the colonists as innovations, and were therefore resented. The whole spirit of the act was an assertion of the royal prerogative, and still worse, an assertion without the means of making it good.

The House of Lords made their inquiry into the state of the plantation trade separately. They, too, recommended that the holders of proprietary governments should be obliged to give security to the crown for the obedience of their governors to the royal instructions, and that Courts of Admiralty should be established in the plantations, in order to remove offences against the navigation laws out of the cogni-

* 7 and 8 Will. III., c. 7.

zance of local courts. The Board of Trade transmitted to the plantations the address in which these recommendations were conveyed, threatening the proprietaries with the forfeiture of their charters if they persisted in disregarding the laws of trade. The only result was to increase the irritation which had begun to exist in America. The proprietaries either refused or omitted to give the security required; they declared that the demand made upon them was in itself illegal; they disputed both the power of parliament to impose conditions upon the exercise of powers once granted by the crown, and the right of the crown itself to appoint Admiralty officers with a jurisdiction of which the king had denuded himself. The opinions of the crown lawyers were desired, and were unanimously in favour of the power of the king to establish an Admiralty jurisdiction within every one of his dominions. Courts were therefore erected in several of the colonies; but the new tribunals were always regarded with extreme jealousy, and were thwarted on every occasion where resistance was possible. Every ship brought home a chorus of complaint from the royal officers, about obstructions to the officers of the Customs, opposition to the Courts of Admiralty, connivance on the part of high officials in the colonies at illegal trade; and a chorus of remonstrance from the colonies on the encroachments which were attempted on their chartered privileges.

Nor were the colonists brought to better humour by observing that, at the peace of Ryswick, none of the points were settled which threatened future dis-

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turbance to their peace. If the king chose to involve them in a war without their own consent, at least he ought to take care that peace should not leave them in a worse position than they occupied before the war. Yet that was exactly what occurred. William contented himself with the stipulation that each country was to retain possession of the limits which it occupied before the war; but the frontier between New England and Acadia had never been defined, and was the scene of constant warfare. The treaty left the Massachusetts farmers as exposed as ever to the incursions of pirates from Port Royal, and guerilla bands from the interior of Acadia. There had been a long dispute between the fishermen of Maine and those of France, as to the conditions which were to regulate their joint occupations of certain fishing-stations. This question, though of the utmost importance to the persons concerned, was left in dispute. Another matter, even more momentous, was the treatment of the Five Nations of Indians. Posted between New England and the Canadians, the Five Nations formed either a powerful defence against the French, or a strong advanced post of the enemy, as they inclined to one side or the other: at the peace of Ryswick, William persisted in regarding them as British subjects, and consequently refused to make a separate treaty on their behalf. The French declared that as the Five Nations were not mentioned in the treaty, the Canadians were at liberty to chastise them for the injuries inflicted by them during the war. It was in vain that the English emissaries assured the Indians that they had not been over-

looked; that their land had been considered as British ground, and consequently was protected by the treaty. The French took advantage of the argument, and pointed out to the sullen warriors that the English, by their own admission, considered them as slaves of the British king. The assertion was too plausible, and, indeed, too near the fact to be successfully repelled; and though the savages continued for many years in hostility to the French, their chiefs carefully kept alive the recollection of what they considered English treachery, and waited but an occasion to wreak signal vengeance.

Thus both sides, the dominant country and the colonists, regarded each other with something of resentment: it was natural that England should remember the fifty millions she had raised by taxation or by loan, and remember that the colonies had thrown upon the mother-country the entire burden of the war; that the Americans had received warlike stores for the protection of their frontiers, and money subsidies for fighting in their own defence; that English ships had been employed for the protection of a commerce, which had after all been diverted, as far as the colonists could divert it, from England to the foreigner. It was equally natural for the colonists to reflect that they had been engaged in the war without their own consent, at a time when Louis would have agreed to regard their continent as neutral ground. Thus on the first occasion when the transatlantic possessions of England became involved in war, a root of bitterness arose which was destined to go on increasing as time rolled on. It has been stated that, owing to their

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geographical position with regard to Canada and Acadia, the brunt of the strife fell on New York and Massachusetts. While their borders were harassed by an enemy intent on plunder and rapine, the interior provinces enjoyed complete tranquillity. England was so unfortunate as to incur the anger both of the northern and the interior colonies: the former were indignant that they were left to endure alone sacrifices which, as they considered, should be shared by all. The latter complained that they were annoyed by demands for assistance to a cause in which they had no concern; both considered themselves ill-treated, because the authority of England was not interposed to forward their view of the dispute. After the Peace of Ryswick new causes of disagreement arose. The ports of Maryland and Massachusetts became the resort of pirates, who, under the connivance of the colonial officers, issued forth to prey upon the commerce of all nations. The Board of Trade reported to William that the charter governments "had not complied with the late act of parliament, that they had not only assumed the power of making bye-laws repugnant to the law of England and destructive to trade, but they refused to transmit their acts or to allow appeals, and continued to be the resort of smugglers and illegal traders, and the receptacle of contraband merchandize." They went on to complain that the colonists had commenced the establishment of woollen manufactures "proper to England," and behaved generally in such a manner as to emancipate themselves from their proper degree of subservience to the metropolis: they concluded by

advising the king to resume the charters, and place the proprietary governments on the same footing as the royal colonies. With this object a bill was soon after introduced into the House of Lords. It commenced by reciting the reasons which had necessitated the change; it then declared the powers formerly granted to individuals void, and authorized the king to govern the inhabitants of the charter colonies on the same principle as those of his other dominions. An immense mass of documentary evidence was laid before the House of Lords, showing the inconveniences which had arisen from the system that had hitherto prevailed. Similar representations were submitted to the Commons by the Board of Trade, which pressed upon that assembly, in terms even more vigorous than those employed to the Lords, the necessity of annexing the charter governments to the authority of the crown.

Events in Europe now evidently presaged im- 1701
mediate war: the Spanish king was at the point of death, and the emissaries of the different claimants for the succession were in the full tide of intrigue around him; the colonies thought it necessary to represent to William their defenceless position, and urged him to adopt some measures for their protection. New York and Massachusetts were especially loud in their expressions of apprehension; they declared that their harbours were exposed to attack from privateers, and their frontiers open to incursion; still, notwithstanding the danger which they considered so imminent, they could not be induced to combine for common defence. The Board of Trade

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stated to the king that while Massachusetts showed her unwillingness to comply with the requests made to her, either for her own defence or for the assistance of others, alleging her weakness and the inutility of the object, she asked further supplies, and larger ships of war; that the other governments had denied the required aid to New York without assigning satisfactory reasons; that since the chartered colonies refused obedience to late requisitions, and continued to be a resort of pirates and smugglers, the national interest required that they should be placed by the legislative power of this kingdom in the same state of dependency as the royal governments.

"In the colonial administration of William III.," says Chalmers,* with some justice, "we see the attachment to prerogative of James I. and his son, the bustle of the Protector, the contrariety of Charles II., and the arbitrariness of the banished king." Though the press was unshackled in England, William was unwilling to grant it similar liberty in the colonies; he refused to the colonies the right of *habeas corpus*; his invasion of the provincial charters, though much may be urged in its favour, was still an infringement of the conditions on which he accepted his crown. It is plain that William and the ministers who surrounded him could only rule the plantations according to the experience of their age; State-papers of that date demonstrate that the most renowned jurists of his reign had formed no complete idea of the nature and extent of those bonds which united the parent nation to her colonies. Parliamentary authority was

* American Revolt, i. 307.

on all hands admitted to be coextensive with the limits of the empire, but an undefined idea existed that the king might do things in America by the mere exercise of his prerogative, which would have been *ultra vires* in England; how far this power extended, and indeed whether it had any limits at all, seemed undecided. One or two examples will explain what is meant. Holt, the chief justice, advised his sovereign, at the time of the troubles in Maryland, to 1689 abolish the proprietary government of that province, and to declare it, without any form of law whatever, a royal government; Sir Thomas Trevor doubted how far the Marylanders could claim the benefit of the Great Charter. The king's advisers were unanimous in denying the benefit of *habeas corpus* to New England, on the ground that it had never been conferred on the colonists by any former monarch; leaving the plain inference to be drawn, that this most important of all rights, the best security for the liberties of Englishmen, could be given or withheld from British subjects at the pleasure of the king. It was stated above that Locke, without doubt one of the most prominent philosophers and thinkers of that time, advised William to appoint a captain-general armed with dictatorial powers to levy and command an army in the colonies without either their own consent or that of the English Parliament. So widespread was the belief that the inherent rights of colonial subjects of the crown were different from those of the mother-country, that even so learned a man as Sir William Davenant professed himself unable to determine whether the people of those

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distant lands possessed the rights of British subjects, and recommended that, as encouragement to an industrious people, a declaratory law should be passed assuring to English subjects the enjoyment of English laws while they remained in countries subject to the jurisdiction of that kingdom. Charles Molloy, the learned author of the treatise "De Jure Maritimo et Navali," with more accurate knowledge pointed out that "none are aliens who are born within the liegeance and obedience of the king, so that those that are born at this day in Virginia, New England, or any other of his Majesty's plantations are natural-born subjects."* The law, then, was clear upon the point; but when we find such widespread hesitation among the most learned statesmen and jurists, we must acquit statesmen of the Revolution of intentional unfairness; still it is impossible not to see that constant and vexatious interference, such as they attempted, without the power of giving full effect to their commands, had the effect of materially weakening the royal authority.

1702 Queen Anne then succeeded both to the policy and the difficulties of her predecessor: all through the Spanish succession war complaints continued to arrive from the royal governors and other crown officers, setting forth the impossibility of obtaining any kind of assistance from the colonies.

For the first few years, Louis made head against the grand alliance; but, as Eugene and Marlborough warmed to the work, as one name more splendid than another was added to the roll of English victories, the French became more and more dispirited, and less

* De Jure Mar. et Nav. b. 3, c. 2. Edit. 1682.

objects of terror. In the ninth year of the war, the Emperor Joseph died, leaving the imperial crown to his brother Charles, the only direct survivor of the Austrian line. There was now no longer any object in asserting the claims of Charles to the throne of Spain; the union of the imperial with the Spanish crown, which would have taken place had Philip V. been expelled, was now more to be feared than the indirect influence which Louis might exercise over the councils of Madrid. If Louis had been a young man, there might still have been a motive to persevere; Philip owed to him his throne and looked upon him as the head of his house; but Louis was now past seventy, his sceptre must in the course of nature soon descend to a youthful grandchild, who would assuredly not bias the conduct of his uncle, the Spanish king, either through his fears or his affections. It is true that Philip might succeed to the French crown, but no one was better aware than himself that in such a case he must resign his Spanish dominions: it was a favourite object of his ambition to rule over France; but he never seems to have contemplated the possibility of holding both France and Spain together. In fact the death of the emperor and the increasing debility of France, rendered the question which had once been of vital importance almost immaterial. Our ancestors were surrounded by difficulties respecting the succession of their own crown, and cared little for foreign politics except as they affected the views of English parties. In the opinion of the Whigs, peace was inseparably connected with danger to the Protestant succession; it was notorious that

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from the day they took the oaths of office, Harley and St. John had been in communication with the Pretender: the queen both by education and temper was drawn to the side of the Tories. She had formed an exaggerated estimate of the royal prerogative, and nourished a not unnatural desire to keep the succession in her own family. Those in her confidence were aware that she looked upon herself as a usurper, and entertained considerable compunction at possessing a throne which, as she thought, should belong to her brother. The Whigs knew that with such views the queen could not but be adverse to the interest of the elector, whom they desired to see established as her successor; indeed she declared her feelings without disguise: "He knows right well," she said, speaking of her brother to the Duke of Buckingham, "that I prefer him to the elector." For these reasons any treaty which showed favour to France, or which stopped short of demanding her complete humiliation, was looked upon by the Whigs as a move in the direction of Popery. The Tories regarded peace with quite opposite feelings.

It does not appear that there was any deliberate intention on the part of the ministry to interfere with the succession: there was a large party in the state who professed Jacobite opinions, and among them were many men of weight and influence; but the number of those who were disposed to incur any risk for the Pretender was exceedingly small. If the prince would have consented to become a Protestant, they were ready enough to receive him; but as a body they were as much averse to the re-

establishment of Catholicism, as the Whigs could be. Many of them advised the chevalier to change his religion, but the advice was always rejected: it was doubtful whether the step if taken would have been of much avail; few would have given the royal exile credit for sincerity, fewer still would have been disposed to set aside the Act of Settlement in favour of so recent a convert. The ministry were not at all inclined to pledge themselves to him; but they were exceedingly anxious to secure a retreat from their present dilemma. For this end peace was all-important to them. A politician in those days staked fortune, perhaps life, on the die; it was but a short step, as a peer said in the House of Lords, from the queen's closet to the Tower, and from the Tower to the block. Harley knew that the queen's health was precarious, and that the elector looked upon him with anything but favour: he sometimes sent an embassy to Hanover, sometimes an emissary to St. Germains; his party oscillated from one side to the other, as the chances appeared in favour of the elector or the chevalier. The Whigs constantly and steadily pursued their aim of putting the house of Hanover on the throne under the terms of the Act of Settlement; they were so eager in their views that they invited the elector to land in England with an army in order to overawe all possible hesitation in the mind of the queen. This absurd purpose was rejected by the cautious German, who looked with considerable dismay at the factious subjects he was one day to rule; but he, nevertheless, not unnaturally regarded the Whigs as the

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exclusive champions of the Protestant succession, and the Tories as rank Jacobites. All these considerations made it necessary for the latter to obtain, if possible, an interval of peace, to recover their credit and arrange their plan of operations: they were further inclined to peace by the reflection that the war was a Whig war and Marlborough a Whig general; if they displaced him, some disaster would probably ensue for which they would be held responsible; if they continued to employ him, all his successes would redound not to their credit but to that of the Whigs. In truth, had it not been for the eager haste of the French monarch and of the English Tories, such terms as those, which were actually signed, would have been considered entirely inadmissible; when, in the next reign, the Whigs came into power, they took a fierce revenge for the affronts which they considered England to have sustained. Peace, if necessary to the English ministers, was tenfold more necessary to the French king: he was old and infirm. There was no Colbert to put order into the finances: Vendôme, when he was awake, which was not often, could show fitful gleams of energy, and even of genius, which reminded his master of Luxembourg. Of the crowd of marshals who led his armies to battle, Villars, d'Estrées, Château-Renaud, Tallard, Harcourt, Berwick, still lived; but, with the exception of Berwick, and perhaps of Tallard, none remained who could, in any degree, replace Boufflers or Noailles, Tourville or Vauban.

The events of the war, after the first two years of
1704 its continuance, had uniformly been disastrous to

Louis. First in order came the bloody fields of Blenheim and Ramilies; Gibraltar was seized by Rooke and his blue jackets; Lille yielded to Eugene. Oudenarde and Malplaquet crowned the arms of "fighting Jack Churchill;" the galleons of Spain were seized in Vigo harbour. Bad as was the condition of the Spanish monarchy when the war began, before the close of it the French were almost equally exhausted. The misery of the people contrasted strangely with the gloomy but still magnificent ceremonials of the court. We are told of revenues falling off, of merchants ruined, of taxes, which, avoiding the nobles and the clergy, fell almost entirely on the labouring population: travellers described the country as a desert, and asserted that for forty miles together they had not seen a man capable of bearing arms; they talked of nothing but ruined houses, deserted villages, and starving peasants crouching among the wreck of their dwellings with the apathy of despair.

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1709

The court still kept up a melancholy shadow of its former ostentatious splendour; the king divided his time between Madame de Maintenon and his confessor; the parasites of the court affected the extreme of devotion, just as in the after days of the regency they, with equal complaisance, affected the extreme of profligacy. The etiquette of the court was the most absurd and puerile. Louis himself, while his country was going to ruin and his troops flying before the enemy, condescended to hear, and gravely to decide, disputes as to whether the first dame d'honneur or the surintendante should hand the queen her shift, or hold the napkin at dinner. We

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have his own royal assurance that when his brother, the Duke of Orleans, asked that his wife might have a stool with a back to it in the queen's presence, he "instantly saw what the consequence of such a concession would be," and refused it, though at the expense of exceeding mental pain. In the early part of his reign a hard heart and irresponsible power, wielded without compunction or remorse, made him at least respected; the ceremonial gravity of the court seemed but an illustration of the imperious character of the king. But in his later years the grasp of mind which had given dignity even to trifles, disappeared, though trifles still retained full power over his enfeebled intellect. Few men could have endured for a week the tedium of an existence which he adopted from choice for more than threescore years and ten. From the moment of his awakening, till he was again surrounded by the curtains of his royal bedstead, keen eyes were upon him; writers, friendly or satirical, were at hand to chronicle his minutest actions, to discover or invent a meaning in his lightest words. The first physician and the first surgeon came in with the first nurse, at eight o'clock, to rub him; the "grandes entrées" made their appearance at an early stage of his toilette, the "petites entrées" were admitted in time to watch its completion; he performed his devotions with an obsequious crowd of courtiers on their knees. After the *lever* he was unattended, except by the grandes entrées, till one o'clock brought the dinner "au très petit couvert," at which monsieur alone was honoured with a chair, while the princes of the

blood stood around conversing in whispers, and the great chamberlain waited at table. The king was kept steadily in view by chamberlain or first gentleman, or "brevets d'affaires," till the time came for Madame de Maintenon's maids to disrobe her, while the king sat by with his ministers, and midnight brought back the obsequious crowd of grandes and petites entrées, who watched the king through the rubbings, physickings, and other ceremonies of his *coucher*.

There were two men under the high black periwig of Louis XIV., one, five feet eight of human flesh, formed with a spirit of the most daring ambition, the most inflexible will, and the most sublime selfishness; the other, a mere tailor's lay figure for laced coat and ruffles, Toledo sword and high-heeled shoes, dealing with matters of the first importance as with questions of the shape of a chair or the precedence of a maid of honour. Troubles came so fast upon France, that before the succession war was half over Louis was weary of the game. He saw the coalition which his ambition had raised against him threaten him with annihilation. The spirit of dead William animated the grand alliance: the master workman, as Burke phrased it, was gone, but the work was truly wrought. Nevertheless, the first overtures came from England.

In January, 1711, the Abbé Gaultier was sent to Paris to negotiate with Torcy, and commenced the proceedings by asking abruptly if he wished to make peace. Such a proposal at the moment of their utmost need, was "like asking a sick man if he wished to

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get well."* The minister however, was too good a diplomatist to show his hand. He affected reluctance; but the state of France was too accurately known to make hesitation really possible. Louis proceeded to settle the affairs both of France and Spain, as if both were under his own immediate sway. The Netherlands, he said, Naples and Milan, should go to the Austrians; Minorca and Gibraltar to the English; the French West India Company at that time owned the Asiento—a contract for supplying Spanish America with negroes—the company should resign this contract to English merchants; Dunkirk should be razed to the ground; British merchandize should have an exemption from certain duties at Cadiz: an establishment should be allowed to them on the Rio de la Plata; they should be put on the same footing as the French with regard to the internal affairs of Spain. Such was the eagerness of the English minister for peace, that the Spanish succession, which gave the name to the war, and was nominally the sole cause of it, was not even mentioned; the only part of the treaty which bore upon the subject was a clause to the effect, that "the King of France would take all reasonable measures for hindering that the crowns of Spain and France should ever be united on the same head."

In addition to these articles, the inconvenience of which mainly fell on Spain, France made several concessions of territory in America. William Penn had advised that the St. Lawrence should be made the northern boundary of British America, Acadia,

* Mém. de Torcy, iii. 21.

according to its ancient limits, and Newfoundland were therefore demanded from the French as well as the possession of the Hudson's Bay, and the exclusive right of the Newfoundland fisheries. Louisiana was left to France: its limits, according to French authorities, included the whole basin of the Mississippi, though the ports actually settled were but a few isolated ports on the Mexican Gulf, and some small trading ports near the confluence of the Red River and the Mississippi. These undefined cessions formed in the next generation a cause of war: for such vague satisfaction were twelve years spent in warfare, so many millions of treasure wasted, and so much blood spilled.

There were many things in the Utrecht Treaty, humiliating as the terms were to France, which sooner or later were sure to cause war. One of the principal clauses of the treaty was the stipulation that the Asiento should be transferred from the French West India Company to the English. We have already had occasion to speak of the peculiarly niggard manner in which the policy of Spain supplied Spanish America with European goods: during the succession war, the Spaniards, crippled at every point, were quite unable to keep up even the slight supply which they had been in the habit of sending. The French were called in to remedy the deficiency, and so brisk a trade sprung up between France and the Spanish colonies, especially those in the South Sea, that the material prosperity of Chili and Peru, during the twelve years of war, made a stride in advance; and the inhabitants, once having enjoyed the conve-

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nience of a real supply of European commodities, became fully determined never again to submit to be deprived of it. On the shores of the Mexican Gulf an equally brisk trade arose with Great Britain. Of course, in time of war, the Customs' regulations of an enemy were completely disregarded. Spanish cruisers were unable to keep the sea; and American officials found it to their interest to connive at a trade so manifestly to their advantage. Jamaica became an emporium of European commodities, whence coasting vessels traded, almost without the appearance of precaution or of secrecy, with all the ports of the gulf: moderate Customs' duties might have been paid, at least in time of peace; immoderate duties, or duties which amounted to prohibition, were altogether evaded. When the war came to a close, the smuggling merchants were a large and powerful class; they could not look with equanimity at the prospect of resigning a commerce of such magnitude: on the other hand it was impossible that the British Government should permit them to disregard the laws of an ally with the same impunity which had attended their operations when Spain and England were at war. Nothing was more certain than that Spain would resume her prohibitory policy, unless the trade could be kept open by treaty: the "Asiento" was the result of negotiations thus prompted. It was agreed by that treaty, that trade should continue between England and the Spanish possessions, "where hitherto trade and commerce have been accustomed;" but as all trade had hitherto been illegal, the words, if they meant anything, must mean a recognition of

the smuggling trade. In this view the English merchants regarded it: but both Great Britain and Spain hesitated formally to assert such a proposition. England was as great a stickler for commercial monopoly as Spain, and though she was prepared to violate the monopoly of Spain in acts—she could not do so in words without logically discrediting her own. It was necessary to find some decent veil behind whose friendly shelter the smuggling trade might be carried on. The traffic in negroes was selected. Her Britannic Majesty covenanted to bring 144,000 1713
negroes into the port of New Spain within thirty years; on each of them a duty of thirty-three dollars was to be paid; the Asientists were to have access to all the ports of New Spain, to establish depôts in inland places, to be permitted to send yearly one ship of 500 tons, laden with a cargo which should be sold free of all duties at the annual fair; the produce of the trade, whether bars of silver, gold, or other commodities, were to be sent direct to England in English vessels. Here then was smuggling completely legalized. Small craft was allowed to bring occasional supplies to the one vessel recognized by the treaty. The favoured vessel, lying at her moorings in Portobello Harbour, unloaded her cargo day after day, and a fleet of small tenders plied to and fro between her side and Jamaica, filling up through one gangway what she sent ashore by the other. Such manifest violation of law and justice could not fail to become a cause of war, as soon as Spain should find herself strong enough to notice affronts. In addition to the quarrel thus brewing with Spain,

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was one scarcely less imminent with France. The limits of French cessions in America were described without any pretence at accurate definition. In fine, no one could doubt that the advent of renewed hostilities was only a question of time.

The colonies had not been called upon to take much part in the war just concluded—Carolina on the south, and Massachusetts on the extreme north, were the only two involved in it. The little garrisons in Louisiana and Pensacola afforded each other what support they could; but the South Carolinians were able to drive the Spaniards out of St. Augustine, and repel with loss the attacks made upon their shores by a French squadron from the Havana. Massachusetts
1704 was not so successful: in 1704 a scalping party from Canada made a raid on that province, which was only the first of a hundred similar expeditions: the raid of 1704, led by Hertel de Rouville, consisted of some three hundred or four hundred Indian warriors and a couple of score Frenchmen. It was marked with all the hideous atrocities to which the student of American history becomes accustomed, and with which the last generation of novel readers was intimately acquainted in the pages of Fenimore Cooper. In succeeding years these scalping raids became so frequent that the border farms were never at rest, and a war of extermination was waged by the frontier men, who ploughed and reaped with their rifles hung at their backs, and received from the colonial government a reward for every Indian scalp. After
1690 Phipps' destruction of Port Royal, the inhabitants who had taken refuge in the interior came back and

rebuilt the town; in a short time it had again become a nest of pirates. So powerful a community was formed by these lawless men that successive governors were obliged to treat with them on terms of equality, and at last openly took them under their protection.* M. de Subercase issued a public address to the freebooters, in which he demanded their assistance against the English. Independent expeditions started from Canada, and came across the mountains which separate it from Nova Scotia, to join the bands which were commanded by St. Castin and the other partisan leaders of the Acadians. The northern colonies of the English were so harassed by land and sea that they at length determined to spare no efforts to rid themselves once for all of their tormentors. Three expeditions were fitted out against Port Royal without success; it seemed as if the New England militia were no match for the hardy freebooters of Subercase.† The garrison with whom the Anglo-Americans had to contend consisted but of fifty regular soldiers, guerillas of St. Castin and his friends, and the crews of a few pirate vessels, yet they were quite sufficient to drive back the New England levies. In the second Boston expedition, St. Castin, always foremost where hard blows were to be exchanged, surprised the New Englanders in a

* Rameau, i. 32.

† M. de Brouillant, ne pouvant espérer de secours du dehors, fit alliance avec les corsaires qui firent de la Hève leur lieu de refuge.—GARNAULT, ii. 214.

M. de Subercase n'avait pu trouver d'autre moyen pour se maintenir à Port Royal, que de s'allier avec les flibustiers qui éloignaient l'ennemi par leurs courses, et entretenaient l'abondance dans la ville.—GARNAULT, ii. 233.

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succession of well-contrived ambuscades, and inflicted upon them a loss of some five hundred men before they could even commence the siege of the town. The English did not allow themselves to be cast down, though their dead amounted to a third of the whole number engaged in the expedition: they resolved upon a night attack; but on advancing to the assault they found themselves outmanœuvred, and placed by St. Castin and his comrades between two fires so destructive, that the survivors with difficulty fought their way to the boats and sailed back to Boston. The New England men were so much enraged by the defeat of their troops that they sent back the expedition, after allowing them barely time to recruit their strength and numbers; but it was only to rush upon fresh destruction: for the third time the ships returned without effecting their object.

In 1710, the English, who had in the meantime suffered terribly from the cruelties inflicted by the French marauders both by sea and land, sent a new
1710 armament to Port Royal. Subercase called his hardy pirates around him, but this time he was hard pressed. Six English vessels, joined by thirty of New England, and four New England regiments, set sail from Boston. The garrison of Subercase consisted of but a handful of men; his troops were exhausted by previous expeditions; murmurs and desertions multiplied; in a few days terms of capitulation were agreed upon. One hundred and fifty ragged scarecrows, the remnant of the courageous little garrison, marched out with the honours of war, and proceeded at once, with the eagerness of famine, to entreat their opponents for

food. In another day or two starvation would have compelled them to surrender at discretion. The Baron de St. Castin tried in vain to recover the place; but the English flag has waved over Annapolis (so it was re-christened after the queen) from that day to this. The Treaty of Utrecht, which confirmed to England the possession of Acadia, delivered the Bostonians for ever from all fear of their redoubtable neighbours. Nicholson, immediately after the surrender, put a garrison into the fort; some of the inhabitants were sent to Rochelle, a few took refuge in the woods, but the larger number emigrated either to the mines, to Miramichi, or to the Island of Cape Breton, where the little town of Louisburg was soon made into a great arsenal: the engineers of France expended all their ingenuity, and vast sums of money, in defending it with fortifications, which they at length declared impregnable. The strife which perpetually surrounded the warlike inhabitants of the coast did not disturb the peaceful farmers of the interior. At the head of the Bay of Fundy a small agricultural population pursued their labours unmolested: after the expedition of Phipps they were recruited by refugees from Port Royal. The Treaty of Utrecht did not expressly include them in the cession made to the English, and they afterwards became known in history as the French neutrals: they were subject to English jurisdiction, but neither took the oaths of allegiance to the English crown, nor were subject to English military service; they remained French in feeling, in manners, and in language, though by tacit consent of both nations they were

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considered as Englishmen by treaty; the position in which they were placed, though ill defined and sometimes vexatious, did not interfere with their rapid development. It would have been easy for the French government to keep on foot a garrison at Louisburg sufficiently strong to afford a rallying point to the French neutrals in case of war, and secure to France the command of the St. Lawrence by planting a warlike outpost at the entrance of the gulf

# CHAPTER V.

## MISSISSIPPI AND SOUTH-SEA SCHEMES.

[1713—1739.]

Accession of George I.—Death of Louis XIV.—Long peace, disturbed only by the ambition of Cardinal Alberoni—Views of the English Colonies on the Accession of George I.—Progress of Commerce—Paper Money—John Law—Mississippi Scheme—South Sea Scheme—Rapid Progress of the English Colonies during the Peace—Administration of Walpole—Quarrel with Spain.

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Aug. 1714

HARDLY had the Treaty of Utrecht been concluded when Queen Anne died. But a few days before, the Earl of Oxford had been dismissed from office; and the great Whig leaders, under pretence of seeing that the Act of Settlement was duly carried out, invaded the council-room of the dying sovereign, and possessed themselves of power. It was, perhaps, well for the Protestant succession that they acted so promptly in the emergency; for Jacobite emissaries were everywhere busy, though they acted with a mixture of recklessness and irresolution which alarmed the country without furthering the cause. If there was any moment at which the Pretender could have made a bold stroke, the opportunity was allowed to slip; George, the Elector of Hanover, was proclaimed King of England without a shadow of opposition. Now, for the second time since the

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revolution, a prince sat on the English throne, alien in temper, in manners, and in speech. In any other country this would have been matter of grave inconvenience, in England it had only the effect of throwing the people more upon their own resources, and placing almost the whole power of the country in the hands of their representatives.

The new king was at Hanover when he heard the news of his accession; nor did he appear to be in any hurry to take possession of his dominions: his first step was to appoint a number of zealous Whigs to administer affairs during the time he might still remain absent; his next, to make leisurely preparations for a visit to England. He does not appear to have cared personally for his new honours; he was five-and-forty years of age, his habits and tastes were formed; he hated trouble, and as he could not speak the English language, he looked forward without satisfaction to the prospect of transacting the affairs of state in dog-Latin; he was, moreover, gifted with a sturdy honesty which made him look upon himself as a usurper. The homely indulgences which he was wont to permit himself would not be increased by increased dominions; he was fond of punch, but he could get as good punch at Hanover as in England; he liked elderly Hanoverian ladies, he could enjoy their society with less scandal in Hanover than in England. A man so singularly devoid of ambition as was George I. could hardly consider the prospect before him as presenting many allurements; he had to live in a foreign country, to take possession of an uneasy throne, to surround himself with factious and most

unpleasantly energetic subjects, part of whom were plotting against him, and part in his favour; but of whom not one solitary individual entertained any affection for his person, or looked upon him in any other light than as an impersonation of an abstract idea, the Protestant succession.

Ere he was well seated on his throne his Whig ministry seized the long-watched-for opportunity of revenge on their political opponents; the obnoxious Treaty of Utrecht afforded them an ample pretext. Oxford was sent, in spite of illness, to the Tower. Bolingbroke saved himself by flight; he was informed one day that his life was in danger; that evening he went to the theatre, and to avert suspicion, bespoke a particular piece for the ensuing night; before day-break he had landed, disguised as a lackey, in France; and in a month was Secretary of State to the Pretender.

The Jacobites determined not to resign their views without a struggle: the Earl of Mar held himself in readiness to proceed to Scotland, where he was to raise the Highland clans, while his other partisans stirred up a rebellion in England. The preparations were nearly completed, when an event occurred which disconcerted all their plans—Louis XIV. died at St. Germains. But for this, the Jacobite 1715
plans might have been put into operation with some prospect of success. The concessions made by France at Utrecht had rankled sorely in the mind of Louis; he would probably have seized some pretext for a new war as soon as his country had in some degree recovered from the exhaustion produced by the last.

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For this purpose the rights of the Pretender would have afforded a pretext as good as any he was likely to find. His reign had been marked by too many victories, for him to think with patience of the reverses lately experienced by his arms: it had been a bitter humiliation for him to hear an English ambassador insist to his face upon the dismantling of his elaborate fortifications at Dunkirk. He had dictated terms to European coalitions when the politicians who now presumed to thwart his will were in their cradles; he had survived his own and two other generations: he had been the contemporary of nine different popes, four emperors of Germany, three kings of Spain; Charles I. and Charles II. of England had been his tributaries, he had known Cromwell, he gave asylum to James II., and to the son and grandson of James II.; he had measured strength with William, and with the general whose genius made the reign of Anne illustrious; he had seen the accession of the House of Hanover. The policy which had actuated him throughout his life pointed to the restoration of the Stuarts; he had tried to effect this object on more than one occasion. It is more than probable that if he had lived he would have made another attempt at the death of Anne, when a restoration of the Stuarts would have been the triumph of a crusade rather than an ordinary victory; but it by no means followed that his successor should look on the Pretender with equal favour. Louis left to his great-grandson a ruined treasury, a beaten army, a corrupted court. The Regent Duke of Orleans was much more inclined to make com-

mon cause with George, who, as he was constantly reminded, was a usurper like himself, than to side with the exiled race; nevertheless, the Pretender, to the disgust of some of his adherents and the astonishment of all, gave the signal to Mar, who at once raised his standard in Scotland. But the time was ill judged: no assistance came from the Regent of France, nor did the Scottish people show the alacrity that had been expected; the Jacobitism of 1715 was but a mild passion contrasted with the feverish one which preceded the Restoration.

A long peace followed throughout Europe, broken only for a moment by the restless ambition of Spain. The Princess Orsini had long ruled in that country; and Philip V. was, to all appearance, as completely as ever under her control when the death of his queen left him at liberty to marry again. By the advice of Alberoni, who was just then rising into notice, the king determined to espouse the Princess Elizabeth of Parma. The queen elect was represented to the Princess Orsini as an insignificant girl, easily to be managed: at the time appointed for the arrival of the royal bride, the princess hastened to the frontier to receive her, confident of a favourable reception, and of an easily-won ascendancy over one so pliable as she supposed Elizabeth to be; but a letter from the king had preceded her. Elizabeth received the ex-favourite with rudeness, and terminated the very first interview by ordering her to her carriage, and sending her under a guard out of the country. Alberoni soon acquired the control from which the Princess Orsini had been dismissed; he promised, if

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his master would keep Spain at peace during five years, so to nurse the finances, that Spain should be in a position to recover all the provinces of which she had been stripped by the Partition Treaty. But Philip had not the patient genius which is willing to bide its time—the partition was a subject of which he could not talk with composure; it was with rage in his heart that he had seen the Emperor of Germany take possession of Lombardy; he knew that the emperor still styled himself King of Spain, and that a few malcontent Spaniards at Vienna were dignified with the title of the Council of Spain: he determined to attack his rival in Sicily, and, if possible, wrest from him what had been the Italian dominions of Spain.

1718 France and England immediately made common cause with the Emperor; each rejected the overtures which was assiduously made by Alberoni. The regent sent the Duke of Berwick to the Pyrenees, that frontier which Louis XIV. had but a few years before declared was a barrier no longer, and the English despatched a fleet to the Mediterranean. Philip was completely unable to compete single-handed with the allies; the King of Spain was forced into temporary quiescence, but he never forgave the rejection of his proposals by England, though he was forced to put aside his resentment for nearly twenty years.

1714 Throughout English America the accession of the House of Hanover was heartily welcomed. Maryland, unabashed by the rebuff with which her officious loyalty had been received by Queen Anne,

again passed an act declaring the succession of King George: this time the compliment was gratefully acknowledged. All the provinces understood well enough that the quiet accession of the Hanoverian race was a guarantee for peace, and consequently for rapid increase of prosperity and wealth. If the temper of Walpole and of Fleury had been warlike, questions enough were at hand to serve as an excuse for war; the fisheries, the boundaries of Acadia, the boundaries of Louisiana, the forts on Hudson's Bay, the forts on the Mississippi—each of these, if the ministers of France and England had been disposed to quarrel, would have afforded ample pretext. Hostilities between the two countries would have materially retarded the advance of all the plantations, for the war would have extended along the whole frontier; and the French boundaries, according to French authorities, lay along the whole western limits of the English.

The peace was not so profound but that it was disturbed by occasional skirmishes. Carolina was too near to the French establishment made by Bienville, and to the Spanish settlement of St. Augustine, to escape attack. The Indians excited by the artifices of the French and Spaniards sent scalping parties to 1715
lay the country waste: it was not till after very desperate fighting that they were driven back, and the settlers allowed to pursue their husbandry and trade in peace. A body of German emigrants, who had fled after the destruction of the Palatinate, met 1711
with severe disaster: under a leader named Gräffenried they had made an establishment in Carolina,

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which had begun to acquire some importance; it was suddenly attacked, and almost annihilated by a fierce onslaught of the Tuscarora and Coree Indians. The savages were repelled by the hastily raised militia of Carolina, who with the assistance of a tribe of red men whom they had made their allies, patrolled the woods, scalping and torturing with more than the barbarity of their Indian enemies. The incursion of the Indians was followed by a domestic revolution in Carolina. The Caciques, Landgraves, and other dignitaries of Locke and Shaftesbury, had utterly neglected the territories which they commanded; they had attempted to monopolize the public lands, and to discountenance all free action on the part of the people. The militia—in other words the people in arms—rose, expelled the Landgraves and Caciques, and appointod a governor of their own. They then sent an agent to England, at whose instance the proprietors were declared to have forfeited their
1720 charter; Carolina was then proclaimed a royal colony, and a governor of experience sent out to administer its affairs on behalf of the crown.

While these things were going on in the colonies, the exclusive turn of men's minds towards commercial pursuits was producing a curious result in England and France simultaneously. The adoption, it might almost be said the invention of paper-money, as a circulating medium, by offering on a sudden new facilities for trade, raised a spirit of gambling which for a few years raged like an epidemic. Hitherto facilities for carrying on commercial transactions by no means kept pace with the

increased requirements of trade; new machinery, new systems of exchange, new means and appliances were urgently demanded; the principles of credit were little understood. Paper-money was known, but the precious metals alone were used as a circulating medium. Gold and silver were valued, not as representing wealth, but as constituting wealth itself.

For many centuries the export of gold and silver was punishable as a crime: the East India Company alone, when it was established in 1600, obtained the privilege of exporting a small quantity of the precious metals to India; but even that indulgence was granted, not in the belief that the goods imported in exchange for bullion were more valuable to the nation than bullion, but because, as was alleged, the goods brought back were sold to other countries for a larger quantity of gold and silver than had in the first instance been sent out to the Indies. Apologists of the East India Company compared their export of gold to the actions of a sower, who puts corn into the ground to reap an increased quantity of the same kind of grain; so, said they, is it with the exported gold of the East India Company.

The possession of gold being thus looked upon as the thing most to be desired, the theory of the balance of trade was invented. Its supporters schemed, by encouraging exportation and discouraging importation, to acquire for the country the largest possible balance of the precious metals, after all commercial transactions had been adjusted. They asserted that the excess of the value of exports over imports was the measure of the wealth of the country.

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That this theory is false in fact as well as in principle every one now admits; but it was the fundamental theory upon which the whole commercial legislation of Europe was for centuries based; and this fact explains the unwillingness of merchants to trade except for tangible gold and silver, and the consequent paralysis of trade, when in the eighteenth century, favourable circumstances gave it a sudden opportunity of expanding beyond former precedents. The demonstration that credit was as good as gold, and that a promise to pay, based upon capability to pay, may be circulated and dealt with as easily as a gold coin, came like a new revelation: it seemed as if Eldorado itself was opened; capital appeared to be multiplied indefinitely; ample facilities for commerce were created in a moment; every one rushed headlong into gambling speculations in the hope of becoming speedily rich.

When the Regent Orleans assumed the government of France, he found its affairs in frightful confusion. The public debt was three hundred millions; putting the debt on one side, the expenditure was only just covered by the revenue. St. Simon advised him to declare a national bankruptcy. De Noailles, less scrupulous, proposed to debase the coinage. A court was instituted to inquire into the practices of the contractors and farmers of the revenue during the last reign. But the relief obtained by this measure was a trifle; a few small peculators were brought to justice, and many innocent persons ruined, but the great spoilers made terms with the court, and escaped with a large portion of their plunder; even the small

portion that was recovered was not allowed to go in diminution of the national burdens, for it was divided by the regent among the guests at his little suppers.

In such desperate circumstances, it was no wonder that the regent was ready to catch eagerly at any prospect of success. A remedy was proposed to him by the famous John Law of Lauriston. This new light of finance had gambled in, and been banished from, half the courts of Europe; he had figured in the English "Hue and Cry," as "a very tall, black, lean man, well-shaped, above six feet high, large pock-holes in his face, big-nosed, speaks broad and loud." He was a big, masterful, bullying man, one of keen intellect as well; the hero of a hundred romantic stories. He had been so fine a gentleman that he was nicknamed "Jessamy Law," among the beaux at White's. He had won the heart of the future Countess of Orkney; he had broken prison in England, where he had been confined for killing an injured husband in a duel; he studied finance at Amsterdam, then the great school of commerce, and offered his services and the "system" which he had invented, first to Godolphin, when that nobleman was at the head of affairs in England, then to Victor Amadeus, duke of Savoy, then to Louis XIV., who, as the story goes, refused any credit to a heretic. He invented a new combination at cards, which became the despair of all the croupiers in Europe: so successful was this last invention, that he arrived for the second time at Versailles, in the early days of the regency, with upwards of a hundred and twenty

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thousand pounds at his disposal, and a copy of his "system" in his pocket.

A prince who consumed on his personal pleasures sums of money which would have beggared the treasury of France, even if it had not been beggared already, who had listened to, and almost acquiesced in a proposal for a national bankruptcy, was naturally taken by the plausible eloquence of Law. There was a dash of daring in the scheme which suited well with the regent's peculiar turn of mind; it was gambling on a gigantic scale. D'Aguesseau and St. Simon might advocate retrenchment and economy, but even with the most rigid economy they could not promise to do more than stave off disaster; yet here was a man who by a turn of the hand could make France the richest country in Europe. Besides, the scheme was plausible and to a certain point correct. The regent, with all his faults, was too clever a man not to recognize the genius which gleamed in Law's dark eyes. Law showed that the trade and commerce of every country was crippled by the want of a circulating medium; specie was not to be had in sufficient quantities; paper, backed by the credit of the state, was the grand secret. He adduced the examples of Great Britain, of Genoa, and of Amsterdam to prove the advantage of a paper currency; he proposed to institute a bank, to be called the "Bank of France," and to issue notes guaranteed by the government and secured on the crown lands, exchangeable at sight for specie, and receivable in payment of taxes; the bank was to be conducted in the king's name, and to be managed by commissioners appointed by the

States-General. The scheme of Law was based on principles which are now admitted as economical axioms; the danger lay in the enormous extent to which it was intended to push the scheme. It was obvious that when it was proposed to pay off an enormous debt with paper, only that part of the paper issued which was represented either by actual specie or by existing manufactures, or by the increased wealth consequent on commercial facilities afforded the scheme, had any basis at all; the rest was simply an addition to the already overwhelming national debt. When, therefore, it was proposed to create sufficient paper to pay off a debt which exceeded by an immense amount the whole actual and potential wealth of the state, it was certain that the first panic would discredit the system, and involve the whole concern in ruin.

While the bank was in the hands of Law himself, it appears to have been managed with consummate skill; the notes bore some proportion to the amount of available specie; they contained a promise to pay in silver of the same standard and weight as that which existed at the time. A large dividend was declared; then the regent stepped in. The name of the bank was changed to that of the Royal Bank of France, the promise to pay in silver of a certain weight and standard was dropped, and a promise substituted to pay "in silver coin." This omission, on the part of a prince who had already resorted to the expedient of debasing the currency, was ominous, and did much to shake public confidence; the intelligence that in the first year of the new bank one

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thousand millions of livres were fabricated, was not calculated to restore it. But these trifles were forgotten in the mad excitement which followed.

Law had long been elaborating a scheme which is for ever associated with his name, and besides which the Bank of France sank into insignificance.

1717 In 1717, the year before the bank had been adopted by the regent, the billets d'état of five hundred livres each, were worth about a hundred and sixty livres in the market. Law, with the assent of the regent, proposed to establish a company which should engross all the trade of the kingdom, and all the revenues of the crown, should carry on the business of merchants in every part of the world, and monopolize the farming of the taxes and the coining of money; the stock was to be divided into 200,000 shares of five hundred livres each. The regent nearly marred the scheme at starting by inserting a proviso that the depreciated billets d'état were to be received at par in payment for the new stock, on which four per cent. was guaranteed by the State. This roundabout and clumsy device for raising the value of billets d'état was in reality nothing but an elaborately cunning plan of the regent and his friends for outwitting themselves, inasmuch as the concern of the State with the billets d'état was not to raise their value but to pay them off.

At the time of the Treaty of Utrecht, Louis XIV. had assigned the exclusive trade of the vast territory of Louisiana to one Anthony Crozat, who entered into partnership with La Motte Cadillac, the founder of the city of Detroit. Cadillac, shortly after his engagement with Crozat, became governor for the

King of France of the territory over which the partners possessed the monopoly of trade. He found in the Illinois country abundance of lead, but neither silver nor gold. Still nothing could remove the belief entertained by the French that vast gold mines must exist somewhere in the country. A fable was invented that at a place, to which the name of St. Barbe was given, a mine of the purest ore had been discovered: two pieces of silver brought by a traveller from Mexico were exhibited as the produce of the mine to Cadillac, who hurried to the spot only to meet with disappointment: he, however, allowed the story of the supposed discovery to obtain publicity, and kept his disappointment to himself. Nothing could be more unsuccessful than the colony: by the year 1717, the total number of the French, including the royal troops, did not amount to more than six or seven hundred persons. The Spaniards in the neighbouring settlement of Vera Cruz showed themselves hostile, and the English outbade the French for the traffic which they attempted to set up with the Indians. Their small population was scattered over the land from the country of the Creek Indians to Nachitoches. A small military post, called Fort Toulouse, was built on the head waters of the Alabama, and a little stockade, named Port Rosalie, occupied a plot of land on the site of the city of Natchez: but they could make no profit either from agriculture or from trade. At last Crozat determined upon returning to France and surrendering his patent. He chose his time well; John Law was on the point of issuing his universal company, and acquired on easy terms from Crozat the

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command of the boundless territory which the latter had found so unprofitable. Rumours were set afloat that the long-sought mines of St. Barbe had been discovered, and that they surpassed in richness anything that imagination had conceived. Louisiana was described as a paradise, the unlucky fort of Cadillac was represented as the capital of a fertile empire, parcelled out into endless plantations and manors, and adorned with cities whose wharves teemed with commerce. Shareholders in the company were told that they would enjoy the monopoly of trade throughout French North America, and the produce of a country rich in every kind of mineral wealth.

Billets d'état were restored to their nominal value; stock in the Mississippi scheme was sold at fabulous prices; ingots of gold, which were declared to have come from the mines of St. Barbe, were taken with great pomp to the mint, six thousand of the poor of Paris were sent out as miners, and provided with tools to work in the new diggings. New issues of shares were made; first 50,000, then 50,000 more; both at an enormous premium. The jobbers of the rue Quincampoix found ordinary language inadequate to express their delight: they invented a new slang for the occasion, and called the new shares "les filles," and "les petites filles," respectively. Paris was divided between the "Anti-system" party who opposed Law, and the Mississippians who supported him. The State borrowed from the company fifteen hundred millions; government paid its creditors in warrants on the company. To meet them, Law issued 100,000 new shares;

which came out at a premium of 1000 per cent. The Mississippians went mad with joy—they invented another new slang phrase; the "cinq cents" eclipsed the filles and the petites filles in favour. The gates of Law's hotel had to be guarded by a detachment of archers; the cashiers were mobbed in their bureaux; applicants for shares sat in the ante-rooms; a select body slept for several nights on the stairs; gentlemen disguised themselves in Law's livery to obtain access to the great man. A cobbler named Fourton, who worked under a shed of planks, built against the hotel of the director, furnished his abode with seats for the ladies who were waiting for shares, and gained two hundred livres a day by finding pen, ink, and paper, and a corner for the brokers to write in. Nobles mortgaged their lands, ladies pawned their jewels.

By this time the charter of the company of Senegal had been merged in the bank, which also became sole farmer of the tobacco duties; the East India Company had been abolished, and the exclusive privilege of trading to the East Indies, China, and the South Seas, together with all the possessions of Colbert's company were transferred to Law. The bank now assumed the style of the Company of the Indies. Before the year was out the regent had transferred to 1719
it the exclusive privilege of the mint, and the contract of all the great farms. Almost every branch of industry in France, its trade, its revenue, its police, were now in the hands of Law. Every fresh privilege was followed by a new issue of shares; the scramble became more active than ever; fine ladies

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screamed, fire! while Law sat at dinner, or were overturned in their coaches as he approached, in the hope that he might address them and give an opportunity for them to apply for shares. Well might they be eager, for the shares of 500 franks were now worth 10,000. The rue Quincampoix became impassable, and an army of stockjobbers camped in tents in the Place Vendôme: even this space was too small, and the crowd was transferred to the magnificent gardens of the Hôtel de Soissons, where every species of gambler plied his trade, from the dealer in Mississippi stock to the speculator with three thimbles and a pea. The excitement spread to England: rumours reached London of vast fortunes made in a day; people became first attentive, then curious, and at last caught the fever. Prudent men realized their stock in the Royal Bank and the Company of the Indies, and speculators hurried over the Channel ripe for a new venture. It became known that one individual had driven a hay-cart all the way into Holland with a million of livres concealed under the trusses: here then was proof positive of large gains to be made.

Blount, a scrivener of London, was the first to start the new excitement. During the administration of the Earl of Oxford, a large number of fundholders had been incorporated under the name of the South Sea Company. The Spaniards having already the monopoly of the South Sea trade, it was not clear what legitimate objects the company proposed to itself; it had been very active in the contraband traffic during the Succession war, and it had obtained the contract for supplying Spanish America with

negroes under the Utrecht asiento. By the advice of Blount, who detailed his scheme to Aislabie, the Chancellor of the Exchequer, this company proposed to pay off the national debt by converting it into South Sea stock. Parliament had provided, by the adoption of a plan of a sinking fund, for the extinction of part of the public debt; there was another and still larger moiety not redeemable by parliament, which consisted of long and short annuities, some of which would not expire till 1808. The company proposed to capitalize the annuities, and offer the amount in South Sea stock to annuitants: they were willing to pay a large premium for permission to perform the operation. Walpole, and others who disapproved the scheme, declared that others besides the South Sea Company ought to be consulted before it was finally decided on: upon this the Bank offered a bonus larger by two millions than that which had been proposed by the South Sea Company: the latter, determined not to be outdone, advanced two millions and a half upon the offer of the Bank; the terms thus submitted were accepted.

Rumours soon got into circulation that enormous riches were to be made; Gibraltar and Minorca, it was said, were to be exchanged against some places in Peru; the company was to obtain from the Spaniards a monopoly of their American trade. At the beginning of the operation the shares of the company paid a yearly dividend of about thirty per cent.; the South Sea House was soon surrounded with a crowd almost as eager as that which two years earlier had thronged the hotel of Law. Peers, clergymen, and fine ladies,

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gambled as fiercely as their Parisian prototypes; the approaches to the offices of the company were blocked up with carriages as the rue Quincampoix had been; the stock rose to five hundred, eight hundred, and a thousand per cent. The mania for gambling once aroused, a thousand bubble speculations were started; in an instant their shares were at a premium. But why go on? a generation which remembers 1845, the great railway mania, and Hudson the railway king, knows how universal is such a contagion, and how such bubbles burst.

Law's system and the South Sea scheme both went down together. Both were calculated to last so long, and so long only, as universal confidence existed; when it began to be whispered that those in the secret were realizing their profits and getting out of the impending ruin, the whole edifice came down with a crash. Old-established companies, merchants whose names had been a tower of strength, members of parliament, widows, orphans, were brought to beggary. A universal cry arose for vengeance; some of the king's Hanoverian counsellors, mad with fear and unused to the outspoken discontent of a free people, gave him absurd and contradictory advice. They proposed at one moment that he should retire to Hanover, at another that he should abdicate and leave the nation to its fate; that he should call upon the army and make himself despotic; that he should bring in foreign troops. Parliament was called together, and a secret committee of investigation appointed: they found that 570,000*l.* of fictitious stock had been disposed of by the directors to facilitate the

passing of the Bill. The king's mistresses, the Duchess of Kendal and the Countess Platen, had received large gratifications; Aislabie, Chancellor of the Exchequer, had pocketed nearly 818,000*l.*; the Earl of Sunderland 160,000*l.*, Secretary Craggs 695,000*l.*, and Stanhope, Secretary of the Treasury, 47,000*l.* Stanhope and Sunderland were acquitted by parliament, though by narrow majorities; Aislabie was expelled the House and committed to the Tower; whence he proceeded with the wreck of his plunder to his Yorkshire estates, and amused his enforced leisure by creating the unequalled pleasure-grounds which have now passed into the possession of the noble house of de Grey and Ripon. The strongest measures were adopted for diminishing the weight of the blow which must fall upon the public; the directors were forced to give inventories of their several estates, and were permitted to retain only a part of their property. It was decided that all stock of the company should be paid for at 400 per cent.; that 33 per cent. should be paid to the proprietors out of the company's stock; that the seven millions due to the public should be remitted; that those who had borrowed of the company should be allowed to compound for ten per cent. of their debt.

The French scheme was even more disastrous. No sooner was it evident that the system was about to break down, than Law, the only man who could at least have mitigated the blow, was banished. The most vehement of his opponents took the matter in hand, and resorted, in their despair, to the wildest expedients. Law appears to have been himself

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carried away by the extraordinary good fortune which at first attended his plans. His writings show that he originally intended his notes to be based upon a metallic currency; carried away by his own success he changed his plan, and adopted the chimerical idea of superseding gold and silver altogether by inconvertible paper. During the time when he presided over the French finances, the standard of silver coins was several times arbitrarily altered, without reason, and apparently without the slightest idea of the effects which would inevitably ensue. After Law's departure, the most absurd plans were adopted for getting in the bank notes; finally they were declared inconvertible, and the death-blow was given to the system in October, 1720, by an edict which deprived the notes of all value whatever, after the first of the following November.

The disaster was similar in France and England, but the manner in which it was met was widely different in the two countries; both were equally open to deceit, neither could reproach the other with greed of gain, or declare with truth that she yielded less easily than her neighbour to the absorbing passion. The English, stern and self-reliant, at once set themselves to investigate and to punish; but to investigate according to parliamentary precedent, and to punish according to law. The French gave way to a paroxysm of resentment, and took illegal vengeance on minor offenders, while great culprits were permitted to escape. In the first burst of rage, an outcry was made in England which almost frightened the king and his friends into making their escape to Hanover;

but in a short time the happy results of long years of free government appeared; equal justice was meted out to all classes of offenders. Great peers like Sunderland, ministers of state like Craggs and Aislabie, were brought to trial: then the free people calmly and wisely deliberated over the best means to reduce to its smallest dimensions an evil which they could not stop; and to avert ruin from as many homes as possible, the government, in the name of the nation, took upon itself engagements, which if not met would have ruined public credit: they remitted seven millions which were to have been paid into the exchequer. In a short time confidence was restored, and the nation recovered from a shock which, manfully faced, hardly retarded material prosperity by a single day. It was far different in France. The first act of the regent towards restoring national confidence was to banish the parliament; the next to declare, by an arbitrary edict, that after a certain date the notes of the Royal Bank should bear no value at all; the third, to order that original proprietors, who had sold their shares, should make up the number they first held by purchasing the worthless shares of the company at the value of 13,500 livres each; the fourth was to search private houses and confiscate such moneys and jewels as might be supposed to be acquired by stock-jobbing. Many persons found at the frontier, with money concealed on their persons, were arrested, but the great delinquents were not touched. The Duke of Bourbon rebuilt Chantilly with his spoils, and purchased all the land in Picardy between the Oise and

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the Somme. The Prince of Deux Ponts, the Duke of Guiche, the Duke of Antin, and the Prince of Rohan, restored their embarrassed fortunes with noble interest.

Mr. Gage, a brother of an English peer, who afterwards figures in history as Count Gage and a Spanish grandee, was able to offer the King of Poland three millions sterling for his throne. The French scheme had, in the first instance, the advantage over its rival; it had a solid basis, and might with proper management have succeeded, but Law was from the first subject to constant and arbitrary interference. Though the undertaking depended solely upon public confidence for its success, the short-sighted avarice of the regent constantly prompted him for momentary gain to strike at the root of public confidence: to do this was a great blunder as well as a crime; the downfall of the system was insured before it was well developed, for credit once impaired can never be completely restored. On the first appearance of the Royal Bank a wonderful impetus was given to agriculture, to industry, and to commerce. Farms which had lain waste since the days of Louis the Great were taken into cultivation; vigour was everywhere inspired into the national life. But the interference of despotic power, by making the basis on which all this prosperity rested insecure, gave a character of audacious gambling to a scheme which, under sober management, and kept, as Law intended, within narrow limits, would have produced solid and lasting results. With the downfall of the Mississippi scheme, the colony of Louisiana

fell from the high place it occupied in the estimation of the French during the reign of Law, yet it had struck permanent roots. New Orleans had been founded, and a brisk trade sprang up with the West India islands: half a century after its first establishment by La Salle, its population consisted of about five thousand Frenchmen and half that number of negroes. Meanwhile the northern colonies of England were advancing with great rapidity: Boston became a very considerable town. In 1738, we are told by Mr. Bancroft, forty-one topsail vessels were built there, amounting, in the aggregate, to more than six thousand tons: the population increased so rapidly that the country was divided into townships; settlement and agriculture gradually extended over Vermont. A large influx of Germans from the Palatinate, and of peasantry from the north of Ireland, poured into Pennsylvania; white emigrants 1732
settled along the valley of Virginia. But as yet few Europeans were settled west of the Alleghanies; scattered herdsmen only held grazing farms in the plains of Ohio and Kentucky. At the time of the rupture with Spain the population of the British 1739
plantations was about four hundred thousand.

Considering the ideas which then existed on the subject of colonies, it was to be expected that the more settlement increased the more England would be tempted to tighten her commercial restrictions. The proprietors of English iron-works became jealous of a nation which possessed extensive iron mines; English hatters became jealous of a country in which the beaver was indigenous: both the forging of iron

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and the making of hats was prohibited. But a still more solid grievance was founded on the preference given by English policy to the sugar plantations of the West Indies over the northern colonies; a duty was ordered to be levied on the introduction of rum and molasses into the northern colonies from the West Indies.

It was natural that young settlements, having the materials of wealth in abundance but as yet none of its accumulations, should always be in debt to the mother-country. Specie almost disappeared, and America was left without a currency. Even before the experiments of Law, the paper money had been
1712 tried in the colonies. As early as 1712 South Carolina established a bank of 48,000*l.*; Massachusetts followed two years later with an issue of 50,000*l.* worth of bills to be let out at 5 per cent., secured on real estate and repayable by instalments in five years. The debts were of course not paid at
1716 maturity, and a further issue was made of 100,000*l.* All the colonies, except Virginia, followed the lead thus given. Massachusetts established a land bank; Rhode Island issued bills for 40,000*l.*, on which interest was payable in hemp or flax. Virginia alone, of all the colonies, had no debt, no bank, no bills of credit, and no paper money; its commerce was given over to foreign factors, and its taxes paid in tobacco.

The colonial paper soon became depreciated: in
1738 1738 the New England currency was at a discount of 500 per cent. The bills of New York, New Jersey, Pennsylvania, and Maryland were at a discount, varying from 160 to 200 per cent. North

Carolina paper was worth—if indeed it could be said to have any value—a discount of 1,400 per cent. in London, and 1,000 per cent. in the colony itself. In the face of such depreciation no one could decide what steps ought to be taken; Burke proposed a depreciation of the currency; but the exchange value of gold and silver was not to be affected by royal proclamations, and the plan was not adopted. Though the colonies submitted, with very little appearance of discontent, to commercial restrictions and inconvenience, they were sensitively alive to anything which could in the smallest degree trench upon their personal freedom. It was in vain that Massachusetts was ordered to settle an annual salary on the royal governor. The burgesses resolved to vote from year to year such a sum as his conduct might seem to them to merit. Governor Burnet, in his letters to the Board of Trade,* asserted that "for some years last past the assembly have attempted by unwarrantable practices to weaken, if not cast off, the obedience they owe to the crown, and the dependence which all colonies ought to have on their mother-country." Connecticut entered into a dispute with the Home Government respecting the law of entail; the Governor and people of New York came into collision on the subject of the surveys of new grants; a newspaper was established to defend the popular side, the editor was prosecuted for seditious libel; the grand jury pronounced him not guilty, and New York gave his advocate the freedom of its city. Pennsylvania was so entirely under popular control,

1730

1728

* Bancroft, ii. 982.

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that the governor informed the proprietary that their government was "not tenable except by a miracle."

1729 Maryland was as restless as Pennsylvania. It was at this time that the colony, now the state of Georgia, was founded. In 1717 it had been proposed to plant a new colony south of Carolina; three years later, during the South Sea scheme, the project was revived. When Carolina became a royal colony, the governor was directed to make out townships as far

1731 south as the Alatamaha; and in 1731 a site was chosen for a colony of Swiss on the banks of the Savannah. The founder of the colony of Georgia, James Oglethorpe, a member of the English Parliament, and a commissioner for inquiring into the state of jails in the kingdom, had been horror-struck in the course of his official investigations by the sight of crowds of debtors who were immured without hope of release: he resolved to establish for them an asylum in America. A charter was granted by George II., conferring on a corporation "in trust for the poor," all the country between the Savannah

1728 and the Alatamaha. Oglethorpe went himself to America and founded the city of Savannah; the Moravian Protestants were invited by the English Society for the Propagation of the Gospel to emigrate in a body; they were offered a free passage, provisions for one season, land to till free for ten years, and at the expiration of that time at a small quit-rent: they were further promised all the privileges of Englishmen. The terms were eagerly accepted, and a large number of emigrants arrived in 1734. In the same year, the town of Augusta

was founded on a spot some hundred miles up the Savannah. The new town rapidly increased in importance: the Indians were friendly and ready to trade; volunteer emigrants poured in. A company 1735 of Highlanders founded New Inverness, and a few weeks later Oglethorpe himself landed with 300 men, amongst whom were two who exercised enormous influence over the intellect of America—John and Charles Wesley; they were followed by one even more distinguished than themselves—George Whitfield.

The colonies, in common with the rest of the empire, owed the peace under which they had become thus prosperous mainly to the beneficent policy of Walpole. He had strenuously opposed the South Sea scheme, as indeed he opposed every other act, good or bad, of the Sunderland administration: one of the principal results of the downfall of that administration was to place him at the head of affairs. There was no one to dispute the pre-eminence with him; he had led the House of Commons for many years; he had been Marlborough's confidant all through the duke's quarrels with the queen. At the fall of the Whigs he had been expelled the House of Commons and sent to the Tower; but he made the Tower fashionable; his levees in that fortress were attended by all who were remarkable for rank and political influence in London. On the accession of George I. Walpole became Paymaster of the Forces; and on the death of Halifax, first Lord of the Treasury and Chancellor of the Exchequer. In 1717, when the king went to Hanover, Sunderland found means to supplant him,

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so that luckily for his fame Walpole was out of office at the time of the South Sea bubble. The plan of a sinking fund for the extinction of the national debt had been passed through parliament under his auspices just before his dismissal, and in the debates on the Mutiny Bill, the Peerage Bill, and other measures which were discussed during the administration of Stanhope and Sunderland, he acquired an influence over the House of Commons which in after-days he turned to good account. For many years Walpole absolutely monopolized power: the Jacobite conspiracy in 1722, in which Bishop Atterbury was implicated, was the only event of importance in external politics. The parliamentary battles of the ministry—first with Pulteney and Wyndham, and at a later day with the Prince of Wales's party, Pitt, Lyttelton, and the Grenvilles—were the most notable features of internal politics; but during the whole of Walpole's administration the nation was at peace, and, as always happens, the quiet advance of wealth and commerce added far more to the real power of the country than the most stirring events or the most signal victories. The struggles which took place in parliament were almost all on economical subjects. The sinking-fund, the excise scheme, the scheme for the reduction of the debt, even the Prince of Wales's annuity bill, can hardly be placed in any other category.

1727 In June, 1727, George I. died, and was succeeded by his son. The new king at first attempted to place a political nonentity, Sir Spencer Compton, at the head of affairs; but Compton was soon compelled to

acknowledge his incapacity, and to seek for the help of Walpole. In no long time Walpole was again in possession of power as great as ever; and a firm alliance between him and Queen Caroline, to whom the king looked for advice and assistance in every emergency, went far to cement it.

1738 Walpole's well-known love of peace, and extreme unwillingness to engage the country in the inevitable disasters which attend on warfare, furnished at last a handle to his enemies which they were only too eager to use. British commerce in the Spanish main, though carried on nominally according to the terms of the asiento, was, as has been already mentioned, extremely galling to the Spaniards. They found the monopoly which they considered so important, slipping from their grasp: every harbour afforded a refuge for the English cruisers; cargoes of contraband goods were run on every shore. The Spaniards, full of resentment, sent armed vessels to overhaul not only the smugglers, but all ships sailing under the English flag; neither nation was in a temper to pursue its objects with moderation. The English notoriously infringed their treaty-rights; the Spaniards as notoriously receded from their treaty obligations. The Opposition urged Walpole to commence hostilities; his declared unwillingness to do so added fuel to their patriotic ardour, for they perceived a chance of compassing the downfall of the minister as well as the vindication of national honour. Stormy debates ensued. Walpole was well aware that the conduct of his countrymen had been indefensible, and that slight concessions would satisfy the

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Spaniards; but the country was in no mood for concessions. Ship-captains were brought to the bar of the House of Commons, and interrogated as to the cruelties and haughtiness of the Dons: one of them, named Jenkins, exhibited to the assembled Commons a pair of ears, which he said had been torn from his head by the officer of a guarda-costa: contemporary gossip states that he had another pair under his long periwig. On another occasion, Alderman Willimot read a letter in the House, in which it was stated that seventy English sailors were working in chains in the Spanish dockyards. The stories, whether true or false, show the eagerness with which the Opposition pursued their object of driving the country into war.

Though the public mind was not goaded to frenzy, Walpole still tried to temporize. During the parliamentary recess of 1738 a convention was signed at Madrid, providing that plenipotentiaries should meet in that city to regulate the trade of the two crowns, both in America and in Europe, and to adjust the boundaries of Florida and Carolina. The King of Spain, on his part, agreed to pay an indemnity of 95,000*l.* for the claims of British subjects injured by the illegal severities of officers who commanded the Spanish guarda-costas; but all these concessions were of no avail. The Opposition well knew that the Spaniards would not abandon the right of search without a war; they declared, therefore, that the entire abandonment of the right of search, and the payment of an indemnity of 340,000*l.* would alone satisfy the nation. The more evident it was that Walpole had set his heart upon averting war the

more were they bent upon forcing it on. When the House of Commons met, Horace Walpole moved a vote approving of the convention concluded in the recess, and called for a short delay for receiving full satisfaction and security: he was answered by the lofty eloquence of Pitt, who was then just beginning his parliamentary career, and who demanded, in indignant tones, whether England was still a free nation? and declaring that he from his soul believed the convention to be the seal of national ignominy.

The address was carried by a narrow majority, which, on such a subject, was almost equal to a defeat. The king and many of the cabinet sided with the war-party. Walpole, with great reluctance, applied for a vote of credit, and despatched a fleet to the Mediterranean. The Spaniards on their side declared that their honour was wounded by the tone adopted in parliament, and refused to continue the negotiations unless the right of search was first conceded, and the English fleet withdrawn. A Spanish Jenkins was found who had lost, by the hands of an English captain, not his ears only, but his nose; worse still, he had been forced to eat them. A long manifesto was issued, setting forth the conduct of the English for many years back. Philip gave way to the long-nursed resentment which had animated him ever since his overtures of alliance had been made in vain, nineteen years before, and declared war in 1739.

1739

# CHAPTER VI.

## CAPTURE OF LOUISBURG.

[1739—1748.]

Views of the English Colonies under George II.—Tendency to Independence, a Result of the Development of Free Nations—Virtual Independence of the Colonies as evinced by Colonial Legislation—War of 1739—Vernon seizes Porto Bello—Anson's Voyage—Fall of Walpole—France joins the Spaniards—Austrian Succession—Hostilities in Acadia—Shirley Governor of Massachusetts—Capture of Louisburg—Fontenoy—Jacobite Rebellion of '45.

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IT was natural that the English colonies, as they increased in wealth and importance, should from day to day weaken the tie that bound them to the mother-country. The same radical fault which had been committed during the reigns of William, of Anne, and of George I., was continued under George II. To give orders where there is no means of enforcing the command, results necessarily in the destruction of all authority; yet this was the course which was steadily pursued by Great Britain during the whole century which preceded the American revolution. Though one command after another was disobeyed, and the power of the royal governors fell more and more into absolute contempt; though the colonies ceased to send home their provincial acts for the

royal approval, and laughed at the king's authority when at long intervals some act, passed in flagrant violation of English law, was disallowed, English ministers could not perceive that the colonies were escaping from the grasp of England, and went on, year after year, in the old way, loud and authoritative in the issuing of commands, which were abandoned as soon as they were resisted.

It would but weary the reader, to trace throughout the reigns of George II. and George III. the evidences of that independent spirit which began to exhibit itself under William. Throughout the weary folios of colonial correspondence in the State Paper Office, there is hardly a letter from a colonial governor to the Board of Trade or the Secretary of State for the Southern department which does not ring the changes on one unvarying theme. The colonists seized every opportunity, in every reign, in peace or war, in tumult or quiet, to establish as nearly as they could a pure democracy, in which the king's representative should act a subordinate and dependent part. The form of government remained long after the substance was changed. For many a year before the tea was thrown into Boston harbour, the colonies only consented to remain in nominal dependency, because the assistance and wealth of England was necessary to them, as long as the French lay watchful and hostile on their northern and western frontier.

Numerous observers reported to the Duke of Newcastle, during the whole of his long term of office, the inevitable result of the movement that was going on in the colonies. Bradley, the attorney-general of

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New York, wrote to the Duke of Newcastle, in 1729: "The assemblies of this and the other colonies seeming at this time to aim at independence of the crown, I thought it my duty to represent the measures they take to his Majesty's council." Burnet, governor of Massachusetts in 1729, wrote that the people of his province had made many attempts at independence, but that one which they had just made was the most dangerous of all. Dunbar wrote from New Hampshire, in 1739, that the people there were generally republican. Admiral Warren, who was on the coast in 1745, said that the New England men had "the highest notions of the rights and liberties of Englishmen, and indeed were almost levellers." And the Board of Trade reported to the king, in 1758, "The facts, resulting from an examination into the acts and proceedings of the Council and House of Representatives, are such as convinced us that the dependence which the colony ought to have upon the sovereignty of the crown stands on a very precarious footing; and unless some effectual remedy be applied at the proper time, to restore the constitution to its true principles, it will be in danger of being totally lost." It would be easy to multiply testimony upon this point. The foregoing, taken almost at random, at different dates and in different colonies, may serve to show how wide-spread was the belief, among those who had the best opportunity of knowing, that the declaration of the independence of the colonies was only a question of time.

It is curious under these circumstances to examine whether this tendency towards separation was in truth

owing to oppressive and unjust laws, or whether it was only the natural result of the development of a free nation; since upon the answer to that question depends in a great measure the verdict that must be given as to the strength of the tie which binds Great Britain to her colonies at the present time. It seems, then, that the yoke of England sat very lightly on the colonies. The Board of Trade represented, in 1730, that "the people of Connecticut and Rhode Island have hitherto affected an independency of the crown; they have not for many years transmitted any of their laws for consideration, nor any account of their transactions:" in other words, they exercised all the rights of independent sovereignty without interference, and consequently were not oppressed unless by rulers appointed by themselves. In January, 1740, the Board of Trade again reported to the House of Commons, "that as the charter governments apprehend themselves by their constitutions to be very little dependent on the crown, they for that reason seldom pay that respect to his Majesty's orders which might reasonably be expected of them." In this again there is no evidence of oppression, but rather of complete and absolute self-government. Again, in 1760, the board complained that the Pennsylvanian Assembly had passed acts "contrary to natural justice, the laws of England, and the royal prerogative;" yet we look in vain for any evidence that these laws were either repealed or disallowed. It was true that vexatious laws interfered nominally with the industry of the colonies; but we have abundant evidence that it was impossible to enforce the restrictions which

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were imposed. To give a single instance: the laws for preserving the timber reserved for the masts of the navy were extremely ineffectual; they were opposed to the spirit of the people; judges and jurors alike were interested in the event of every prosecution. Auchmuty, the advocate-general in Boston, told the ministry, in 1730, that "if the surveyor is not supported, the honour and power of the crown will ever be had in ridicule by the levelling people here, where the officers are already their butt;" a law which only brought derision on the officers who attempted to enforce it could not be considered very oppressive. In the first three years of George II., again, trade between England and the plantations fell off to a very considerable extent, owing to a law passed by the colonists, exempting their own persons from arrest for debt; and in all cases where debts were due both to a colonist and an Englishman, giving the priority to the colonist. The British merchants, says Chalmers,* "had been so much obstructed in the recovery of debts, and so often defrauded by the successive depreciations of currency, that they had gradually withdrawn their confidence and had lately ceased to traffic." The inability of the home government to prevent these abuses, and the utter break-down of the law passed by the British Parliament "for the more easy recovery of debts in the colony," prove how purely nominal were many of the restrictions imposed by Great Britain on the plantations. The contrast between the assumed authority and the real power of the English Parliament was made strikingly manifest

* Chalmers, ii. 116.

in 1733, when Mr. Jeremiah Dunbar was called to the bar of the Massachusetts House of Assembly, and severely censured for having presumed to give evidence before a committee of the House of Commons with regard to their trade and manufactures.* If there had been any reality in the supremacy of Great Britain, such a violation of the privileges of parliament would have been met by summary punishment; as it was, the Commons could do no more than pass an idle resolution: "that presuming to call any person to account for evidence given before the House, was an audacious proceeding, and a high violation of their privileges." The colonial annals of the reign of George II. are full of long and fruitless disputes between the governors and the assemblies, the one desiring that permanent fixed salaries should be attached to their offices, the others insisting on their right, by withholding a civil list, to render the royal governors virtually dependent on the colonial delegates.

Such was the temper of the English colonists at the commencement of the war of 1739. The war was in reality for the maintenance of the contraband trade with Spanish-American ports, in which the colonists had taken a very active part, and which they were consequently largely interested in maintaining. Immediately on the breaking out of hostilities, Admiral Vernon was sent with a fleet to the West Indies, where he seized Porto Bello from the Spaniards. The success of Vernon animated the nation to still further efforts; men began to talk of

*Chalmers, ii. 123.

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reducing to obedience all the Spanish settlements in the New World. Commodore Anson was sent to ravage the coasts of Chili and Peru, while twenty-seven sail of the line, besides frigates, fire-ships, bomb-ketches, store-ships, victuallers, and transports, with ten thousand sailors on board, were sent to the West Indies, under Sir Chaloner Ogle, to reinforce Vernon, and co-operate with Anson by means of intelligence to be interchanged across the Isthmus of Darien. The expedition had hardly arrived in the West Indies when Vernon died. The command devolved on weak and incompetent leaders, who were experienced more in the language of abuse and recrimination than in action; under them, the armament lost a great part of its numbers in a disastrous attack on Carthagena, and then wasted away, by fever and dysentery, under the burning sun of the tropics. Before they returned home, fifteen thousand men of the flower of the English troops had been destroyed.

The expedition under Anson was hardly more fortunate: a storm scattered his ships, and compelled two of them to return; the remainder put into Juan Fernandez, where the crews recovered their health and spirits. Thence the commodore started on an expedition down the Chilian coasts. Everywhere the degenerate descendants of the conquerors fled in alarm to the churches, and gave up their country without resistance to the spoiler. In the midst of his successful raid Anson found in one of his prizes papers which told of the shameful miscarriage of the English at Carthagena. Part of his plan had been

to attack Panama, while Vernon penetrated by Sir Henry Morgan's route across the isthmus from Chagres and took the fortress in rear; but the intelligence which the commodore now received compelled him to abandon that part of his plan; he therefore bore away for Acapulco, in hopes of intercepting the Manilla galleon which, he had heard, was now at sea. By this time he had but one vessel, the remaining having been abandoned for want of hands to navigate or means to repair them. After many tedious adventures, Anson succeeded in intercepting the vessel of which he was in search, and returned with all speed to England with treasure on board to the 1741
amount of 1,313,000 dollars, and with uncoined silver equal to nearly 44,000 dollars more.



After Anson's expedition to the South Seas, no further attempt was made on Spanish-America, nor did any material disturbance take place in the security which was so essential to the progress of the English colonies. The course of events gave a new turn to the war, and diverted it almost entirely from the American to the European continent.

For some years past Walpole had only held power by a very uncertain tenure. He had carried the address in answer to the royal speech in 1739, by a very narrow majority; and though the secession of Wyndham and his friends from parliament* enabled him to pass a few measures of importance, yet he 1739
soon found that no concession he could make and no course that he could pursue could conciliate an Opposition whose enmity was not against measures of the

* Lord J. Russell's Mem. of Europe, ii. 442.

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minister but against the minister himself. Newcastle, as was his habit, had intrigued against his chief, and as the opposition in parliament grew stronger, the opposition in the cabinet itself grew bolder. At length a direct vote was made in the House of Commons for the removal of Walpole. Mr. Sandys, who made this important motion, began by contrasting the English constitution with that of absolute monarchies. In the one, he said, discontents gather till they burst into insurrection; in the other, free advice and information, given to the crown against an unpopular minister, enables the sovereign to dismiss the offender, and save the nation. The orator then adverted to the general unpopularity of Walpole: he had departed from the principle of the grand alliance; he had favoured our old enemy the House of Bourbon, at the expense of our old ally, the House of Austria; he had signed treaties each one more disgraceful than the last. In the Treaty of Hanover we had been duped by France; we had seen the emperor lose Sicily and Naples and France gain Lorraine; we had allowed the power of Austria to fall into miserable degradation. It was true that we had been many years at peace, but that peace was dishonourable, and had added nothing to our wealth. The national debt had not diminished; large standing armies had been kept up in defiance of the constitution; arbitrary and useless penal laws had been made; inquiry into the management of public money resisted. By negligence in furnishing our fleets the enemy had been suffered to escape. All this was to be attributed to one person, who grasped in his own

hands every branch of government, and made a blind submission to his will the only terms to present favour and future expectation. CHAPTER VI.

Walpole made a reply, which even in the form in which it has come down to us is a model of manly eloquence. The motion for an address to the king for his removal was negatived by large majorities in both Houses; but a shock had been given to his power. He had spent the best years of his life in averting hostilities by diplomacy. He felt himself "not cut out to carry the truncheon."* He was not likely to prosecute the war with vigour, or to acquire glory by boldness and activity.

In the first year of the war Charles VI. died. 1740
He was the last prince of the ancient and illustrious House of Austria, which now came to an end in the empire as it had done a few years before in Spain. The claimants for the imperial succession were even more numerous than the claimants for the Spanish succession had been. The rights of blood as well as the Pragmatic Sanction, which had been guaranteed by almost all the European powers, devolved the whole succession on Maria Theresa, the late emperor's eldest daughter. Charles Albert, Elector of Bavaria, Augustus, King of Poland, the most Catholic king, the most Christian king, each put in a claim more or less remote. Louis XV., conscious that he could not hope to really enjoy unmolested the dominions of the empire as well as his own, interfered only in the hope that he might acquire some extension of territory in the scramble. The interests of England

* Walpoliana.

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were involved, only by the fears of the elector for his Hanoverian dominions.

In 1741 parliament was dissolved; the House that was returned in December of that year was bitterly hostile to the minister. His candidates were everywhere beaten at the poll, or if returned, their seats were declared void by the decisions of election committees. It became evident that Walpole could not long retain his power; in the following year he finally retired, and was succeeded by Pulteney, who accepted the task of governing an administration, though he himself refused to accept office. Lord Hardwicke continued Chancellor, the Earl of Newcastle one of the Secretaries of State, Mr. Pelham Paymaster-general; Mr. Sandys became Chancellor of the Exchequer, and Lord Carteret Secretary of State.* The Boys—as Walpole called the young Whig party, Pitt, the Grenvilles, and Lyttelton—were not included in the new administration.

The patriots who assumed power on the retirement of Walpole had been in the habit, while in opposition, of thundering against German subsidies, against standing armies, against continental connections. In office, their first political acts were directed to the maintenance of the very policy they had denounced. They subsidized Denmark and Hesse Cassel; they procured a vote of money for the Queen of Hungary; they augmented the land forces to upwards of sixty-two thousand men: the Earl of Stair was sent to march and countermarch in the Netherlands in concert with large Hessian contingents.

* Wade, 421.

France had signed the Pragmatic Sanction, and had thereby guaranteed the succession of the empire to Maria Theresa; but Cardinal Fleury alleged that the engagements of France were so limited as not to prejudice the claims of the Elector of Bavaria. The real object of Fleury was so to cripple the House of Hapsburg, as to prevent Germany from ever again asserting a preponderating influence in Europe.* The object was to be achieved by dividing their territory between Prussia, Saxony, and Bavaria. A partition of the Austrian dominions was proposed by France; but Frederic of Prussia on the one hand, and Maria Theresa on the other, were both equally impracticable, and no decision was arrived at. In a short time, France broke away from her friendship with England, and formed a close alliance, first with Prussia, and afterwards with Spain. Louis concerted with the latter an invasion of England, with the avowed object of restoring the House of Stuart.

The Pretender had been for many years treated with neglect by the continental powers, he was now used as a means of annoyance to the English court. If this expedition had been undertaken at once it might have been dangerous; there was still a considerable amount of Jacobite feeling in England, and Lord Stair's military promenade had taken away the greater part of the available troops; but it was agreed between the new allies that ten thousand Frenchmen should first join the King of Spain in Savoy, and that the French and Spanish squadrons in concert should strike a vigorous blow for the

* Lord J. Russell, ii. 145.

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recovery of the sovereignty of the Mediterranean. If successful, they were to join the Brest fleet, and co-operate in an invasion of England. It was this project of an English invasion which diverted the attention of both belligerents from America to events nearer home. Anson was just now returning from his predatory cruise, and bringing back to Plymouth the spoils of the Manilla galleon; but the Spaniards, far from attempting reprisals in America, were too glad to escape from further molestation. During the whole course of the war the internal provinces of English America enjoyed complete tranquillity; but when the French took the field in concert with the Spaniards, hostilities were again resumed on the unfortunate northern frontier, which had already been the scene of so many combats. The first blow was struck in Acadia—even before the news had been received in America of the declaration of war by the French, a body of French from Cape Breton surprised the English garrison at Canseau, destroyed the fishery, the fort, and the other buildings, and removed the garrison as prisoners of war to Louisburg. The capture of Canseau was followed up by an attack on Annapolis, the only remaining defence of Acadia. Father le Loutre, a French missionary, of most warlike temper, who for years figured prominently in all the frontier fights in which his fierce catechumens were engaged, headed a party of Indians in a desperate onslaught, which was with difficulty repelled.

1741 Two or three years before, Belcher, the governor of Massachusetts, had been superseded by William

Shirley. The new governor found "the treasury empty, Castle William, the key of the province, defenceless, the garrisons ready to desert, the civil officers starving." It required talents of no ordinary kind to restore order amidst such confusion; yet Shirley was a man of clear sight and calm determination. He perceived that it was useless to fight the up-hill game which had been played by his predecessors, of opposition to the Colonial Assembly, unless he was supported by the force at the command of England, as well as by the empty expression of the commands and wishes of parliament. He well knew that he could not hope for that support, and he therefore determined to temporize with a power that he was unable to overcome. It is no slight mark of talent that for four or five years in a government where, to use his own expression, "Shute quitted the charge, Burnet broke his heart, and Belcher failed in the midst of his countrymen," he managed to please both the home government and the assembly; to obtain rewards and honours from the king, and an ample salary from the New Englanders. Shirley at once saw the extent of the danger which threatened the English possessions. The population of Acadia, about sixteen thousand in number, were all of French origin; they had been ceded to England at the peace of Utrecht, and had most unwillingly transferred their allegiance. It was evident that a general rising of this hardy population would be sufficient to drive out the English, and restore the whole of Acadia to France. Shirley sent at once to solicit aid from home, and to

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describe the nature of his peril; but the emergency did not admit of delay: that autumn, the Canseau garrison, who had passed the summer in captivity at Louisburg, were sent to Boston on parole; they brought accurate accounts of that supposed impregnable fortress, and experienced soldiers among them gave it as their opinion that it might be taken. If once Louisburg were in the hands of the English, the French, deprived of their base of operations, would be no longer formidable in Acadia, and England would be in possession of a post at the very entrance of the St. Lawrence, whence the communications of Canada with France could be easily threatened. Shirley resolved not to wait for the answer from home, but to propose to the assemblies of the New England provinces an expedition on their own responsibility. The proposal was not at first favourably received. In the Massachusetts assembly the vote passed by a majority of one, but the other New England provinces threw themselves into the plan with considerable energy. New York and Pennsylvania sent a small supply of artillery and stores; New England alone furnished men, of whom Connecticut raised five hundred and sixteen, New Hampshire three hundred and four, and Massachusetts upwards of three thousand. Three hundred men who started from Rhode Island were too late for active service. Pepperell, a merchant who, as Chalmers says, "had counted fortune too diligently to find leisure to study the art of war," but who, nevertheless, showed himself made of good stuff when the pinch came, was made commander-in-chief.

The expedition was almost ruined at the outset by absurd disputes about precedence; every colony which in any way contributed to the expedition, insisted on issuing a separate commission to its officers, quite forgetting that the expedition was destined for operations beyond the limits of the colonies, and indeed of the empire. Each colony likewise insisted on sending commissioners with the expedition, to receive and account for the money which it voted. While all the colonies thus carefully guarded their own position, and refused to yield to any one even the appearance of authority, Shirley had the address to convince the minister at home that he had contrived the plan, directed the execution, and secured its final success.

While the expedition was in course of preparation 1744
a change of ministry occurred at home. Carteret, the Prime Minister, was replaced by the Duke of Newcastle and his brother, Henry Pelham. The new ministry included all parties, Tory as well as Whig. It is remarkable for this, if for no other reason, that William Pitt took under Pelham his first office of Paymaster of the Forces. Newcastle, unfortunately for the colonies, retained the Secretaryship of State for the Southern department, which then included the administration of the plantations.

Pepperell had made himself thoroughly acquainted with all details relative to the fortress he was about to attack. After the capture of Annapolis, the French 1714
had devoted considerable attention to strengthening the naturally formidable defences of Louisburg, with a view to compensate in some measure for the loss of

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Port Royal, by establishing a strong position at the mouth of the St. Lawrence. The climate of Cape Breton was foggy and inhospitable; few regular inhabitants dwelt there, although the French governors had done their utmost to attract thither the French population of Acadia: the town and fortifications of Louisburg, which had become the centre of the cod-fishery, alone boasted any considerable number of inhabitants. There were a few stations, the chief of which were at St. Peter's, at St. Anne's, and at Spanish Bay, to which fishermen resorted in the summer; but in the winter, even these scattered inhabitants returned to their families in France. Some scanty supply of that coal, which is no doubt destined to make Nova Scotia one of the richest nations of the world, had already been found there, but no mining operations of any importance had been begun. The environs of Louisburg were almost entirely uninhabited; the fishermen lived in the most squalid misery, and were almost without the common necessaries of life. Louisburg itself contained about 2,400 inhabitants. Part of them were Canadians, and part emigrants from France: there were also among them large numbers of engagés, hired or kidnapped on the coasts of Normandy and sold for a limited term of service. Every captain of a vessel going to Cape Breton was bound to convey thither a certain number of these men.

The fortifications, though by no means impregnable, as the French engineers declared, were of considerable importance; the walls, raised on a neck of land at the mouth of the harbour, were forty feet in

thickness, and of considerable height; they were mounted with a hundred and twenty cannons, seventy-six swivels, and some mortars. The harbour was defended by an island battery of thirty-two guns, which were then looked upon as of large calibre, and by a battery on the shore, which mounted thirty large cannons, and was surrounded by a formidable moat. Such were the defences which the New England men determined to attack.

When all was ready, Shirley wrote to the English 1745
Government to announce that the plantations had resolved upon commencing operations without waiting for the reinforcements which they confidently expected from home; he added that the New England volunteers would be reinforced by a large number of hardy fishermen whom the French had driven off the Newfoundland banks, and that he had written without success to solicit the co-operation of Admiral Warren, then in command on the West India Station, who, after consulting with his officers, declined to have anything to do with the enterprise.

The Duke of Bedford, who afterwards succeeded Newcastle as Secretary of State for the Southern department, was at the head of the Admiralty. He ordered Admiral Warren, then with his fleet at Antigua, to co-operate with the American militia. Pepperell had time to communicate with Warren, before his own preparations were complete, and to arrange that the whole force should rendezvous off the coast in the immediate vicinity of Louisburg at a certain day and hour; that they should wait for night, land under cover of the darkness, march through

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thicket and bog to the city, and take the fortress and the royal battery by surprise at daybreak. The volunteers to whom this hazardous enterprise was entrusted were composed of seemingly most unwarlike materials, but they were brave and hardy. They were of fishermen from the great banks, lumberers to whom the axe and rifle were equally familiar, and farmers from the interior, who had passed their days in scouting and Indian fighting. Such a force, however much it might lack the discipline necessary for a regular siege, possessed in a high degree the qualities necessary for a desperate assault. The force arrived off Louisburg in high health and spirits: covered by the squadron of Warren, the attacking force crowded into the whaleboats and made good their landing, driving back the troops of France into the woods. Next day a detachment of four hundred men under William Vaughan, a volunteer from New Hampshire, marched round the town, and with wild cheers attacked the royal battery. The French spiked their guns and made their escape into the fortress. Then the abnormal composition of the besieging force stood them in good stead; the major of one New England regiment was a gunsmith; under his directions a party of smiths was detailed, who rebored the spiked guns of the French and turned them on the late defenders of the works. The colonel of another regiment was a carpenter: he designed sledges on which the hardy fishermen dragged their guns over the morass that surrounded the town, and opened fire in alarming proximity to the works. The volunteers laughed at zigzags, parallels, and approaches, according to the

art of war. Every night parties enlisted, Indian-fashion, under a chief of their own selection, and attempted sometimes an assault, sometimes a surprise. The harassed garrison became mutinous; supplies sent from France by a ship of the line were taken, ship and all, in sight of the batteries. The governor sent a flag of truce, and on the 17th of June, 1745, the strongest fortress in North America surrendered to an undisciplined army of Americans. The news of their success was received with great rejoicings in England; it was by far the most considerable operation of the war. It came more opportunely because it was exactly contemporary with a great disaster. CHAPTER VI. 1745

In the spring of 1745 a numerous French army under Marshal Saxe, in which the king and the dauphin were present in person, laid siege to Tournay; the English with their allies, under a prince of the blood-royal of England, advanced to its relief. It has been stated, that on the 30th April the English fleet came in sight of Louisburg; on that very day, in another hemisphere, the Duke of Cumberland advanced to attack the French who were posted near the village of Fontenoy. About nine o'clock in the morning, the British and Hanoverian infantry, advancing under a tremendous fire, drove the French beyond their lines, but the Dutch failed: Saxe brought up his reserves; the English were surrounded; a tremendous fire of artillery obliged them to retire. The event of that battle placed the French in possession of Ghent, Tournay, Bruges, and Ostend.

When afternoon shadows began to lengthen over

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the red field in Flanders, it was still early morning in the distant longitude of Louisburg. While the English troops at Fontenoy were slowly giving way, the oars of New England whale-boats were bending as the stout fishermen of Maine rushed through the surf to attack the Dunkirk of North America. Both the British forces, the force in Flanders and the force in Cape Breton, rested that night on the field of battle, beaten and weary. Fortunately for British pride the merchant general at Louisburg was able to give a better account than the royal prince of his ultimate success. "We are making bonfires for Cape Breton, and thundering over Genoa," wrote Horace Walpole * to Sir Horace Mann, "while our army is running away in Flanders." At the time when this letter was written, Horace Walpole was probably not aware that the Chevalier Charles Edward had actually sailed for Scotland, † with the avowed purpose of winning the throne of England for the Pretender. If Horace Walpole's father, in the days of his power, had but devoted some of the restless energy and dauntless courage which he displayed in retaining his hold of power, to the task of reducing the Highland chiefs to proper subjection, the bloody scenes of the "forty-five" might have been averted. The Duke of Cumberland was more successful at Culloden than at Fontenoy. By land the French had all the glory, by sea the victory was with the English. It appeared at one time that the war would be transferred in earnest to

1746 America. The Duke D'Anville was sent from France with a large fleet to attempt the recovery of Louis-

* July 26, 1745. † July 14, 1745.

burg, but its object was defeated by storms and shipwreck. D'Anville died at sea, and his successor committed suicide. Next year Anson and Warren captured the fleet destined for Canada and Cape Breton. The French made no reprisals, but one or two small trading ports on the frontier were captured by the French and Indians. 1747

The war had now changed its character; peace was confidently expected, and it was believed on both sides of the Atlantic that neither belligerent really desired the vigorous prosecution of the war. Shirley and Warren had planned an expedition for the reduction of all Canada, and Virginia had agreed to furnish a contingent of eight thousand men, but the Duke of Newcastle ordered the provincial levies to be disbanded; next year the English army itself was reduced to a mere skeleton. During the course of the autumn the treaty of Aix-la-Chapelle was signed. It was agreed that all treaties, from that of Westphalia, should be confirmed; that all conquests made on either side during the war should be restored, and all prisoners returned without ransom. The Asiento and the privilege of the annual ship was to be continued to the British for the term of four years, during which it had been suspended by the war. The main cause of war,—or at least the cause which had been alleged in 1739,—the right of search claimed and exercised by Spanish ships, was not even mentioned. The sole benefit obtained by England for the expenditure of so much blood and treasure was the banishment of the Pretender from France. Thus an aimless war was succeeded by a hollow peace; 1748

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France recovered Louisburg, but the boundaries of Acadia were still left in dispute and the frontiers of Florida untraced. All the causes which provoked the last war remained in full operation, ready to afford pretext for another.

# CHAPTER VII.

## STRATEGIC VALUE OF CANADA TO FRANCE.

[1748—1755.]

Able Statesmen of France under Louis XV.—Commissioners to decide the Boundaries of Acadia—Aggressions of the French in America; Letter of the Earl of Albemarle thereupon—M. de la Galissonière's Paper on the Strategic Value of Canada—Conduct of the English Colonies on hearing of the French Aggressions—M. du Quesne—Canadian Militia—M. Celéron despatched to the Ohio—Unsuccessful Mission of Washington—Commencement of Hostilities.



DURING the years which followed the peace of Aix-la-Chapelle, the progress of society, both in England and in English America, was very rapid. The British colonies, especially, increased both in wealth and importance. The idea that it was possible for colonies to emancipate themselves from dependence on their metropolis, though sufficiently familiar to colonial governors, and to those who enjoyed an opportunity of closely watching the course of affairs, and the tone of thought in the plantations, had not yet obtained admission into the calculations of any section of European statesmen. The French colonists lived, on the whole, content under their feudal seigneurs. The Spanish creoles, far from entertaining any ideas of emancipation, lacked even the means of making their wishes known in Spain, and lived

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in abject subjection to the handful of European Spaniards who monopolized every post of honour and importance in America. The English colonists, independent enough in theory, absolutely republican in practice, were still in need of British protection; France made no secret of her intention to hem in the English colonies effectually by a chain of posts along the Mississippi, and the Anglo-Americans knew that if this was effectually done it would hardly be in their power to resist subjugation by France. Alliance with England could alone for the present avert danger, and alliance could only be purchased at the price of remaining dependent. Besides this there were many among the colonists who were united to England by ties of every sincere affection. The generation which had fled from active persecution had long passed away: the descendants of the Puritans, though they were fully determined on independence, so soon as they could safely assert it, still looked with pride to the inheritance of glory which they possessed in common with the English. Many a well-to-do gentleman, both in New England and the old dominion, sent his sons home to study at Cambridge or Oxford, or to complete their education by serving a campaign with Lord Stair or the Duke of Cumberland. It was easy to see that the interval of repose which Europe was now enjoying must be succeeded by a struggle with France much more fierce than the languid wars which had just terminated. The peace was but an armed truce: the belligerents had paused because each had need of a moment of repose, but their spirit of hostility had

been by no means quelled. The very basis of the peace, that each power should retain the possessions she held before the war, chafed the spirit of both parties. France was especially dissatisfied, and Louis XV. soon made it evident that he intended, in spite of honeyed words and specious promises, to try the fortune of war again. While the forces of the rival nations thus confronted each other, matters of dispute arose at two points which were almost the antipodes of each other. Both in India and in America causes of quarrel existed which were ready at any moment to produce open hostilities; in each, Louis was served by statesmen who, for ability and energy, might compare with the ablest servants of his great grandfather. La Galissonière in Canada, and Dupleix in India, were men who might be safely trusted to forward the ambitious and unscrupulous views which had become the traditionary policy of France. Dupleix met in India a genius superior to his own. In a few years the power of France disappeared from the Carnatic, and the humble traders of the East India Company became the lords to whom the great princes of India paid homage; but La Galissonière *

* M. de la Galissonière (Roland Michel Barin, Marquis de la).—Il établit à Québec un arsenal maritime et un chantier de construction, où l'on n'employa que les bois du pays, et conçut, proposa, et adopta le vaste plan dont il commença l'éxecution, de joindre le Canada et la Louisiane par une chaine de forts et d'établissements le long de l'Ohio et du Mississipi à travers les régions désertes qui séparaient ces deux colonies à l'ouest des lacs. A l'avantage d'établir entre elles une communication moins pénible et moins longue que par le Nord, se joignit celui de pouvoir faire parvenir les dépêches en France en hiver par la Louisiane, tandis que l'embouchure du fleuve St. Laurent est fermée par les glaces. Enfin celui de resserrer les Anglais entre les montagnes et la mer. — Biographie Universelle, art. LA GALISSONIÈRE. Conquest of Canada.

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had no Clive to encounter and to thwart him: had his able counsels been followed, French power would have been established within, and in all probability far beyond its former limits in America. French statesmen looked upon the possession of power in America, only as a means of annoying an enemy; we now know with precision, that which was hidden from our forefathers, the exact nature and scope of the views of De la Galissonière; the secret papers which he addressed to the French court, during the time of his vice-royalty, and after his return to France, have been collected. They show the position of affairs during the latter years of the Duke of Newcastle's administration, as they appeared to one of the most acute and far-seeing of contemporary French statesmen. M. de la Galissonière never for a moment hid from himself that the Treaty of Aix-la-Chapelle was but waste paper, the peace but a breathing-space which it behoved France to use to the best advantage by assiduous preparation. He saw that the theatre of the next struggle would be, from strategic reasons, in America, and that it must terminate in the downfall of either the French or the English power in the New World. His anxiety was quickened by the belief that the supremacy of France in Europe depended on the maintenance of her power in America.

Kalm, who travelled through Canada while M. de la Galissonière was governor there, expresses in enthusiastic terms his surprise at the range and nature of the viceroy's acquirements: his knowledge of all branches of natural science was extensive.

"When I began to talk to him about natural history," exclaims Kalm, "I imagined I saw our great Linnæus under a new form." The new form would not in point of personal beauty have been to the advantage of Linnæus, for M. de la Galissonière was short and humpbacked; but he was one of those persons in whom physical misfortune produced no corresponding warp or crank of mind. A deputation of chiefs of the Indian tribes waited upon him soon after his arrival at Quebec; these untutored men, extremely open to the effect of a stately carriage and imposing manner, could not restrain the expression of their astonishment when first they saw the representative of the great French king; but the fire of his eye, and winning charm of his manner were such as to impress even savages who were in the habit of measuring men by thews and sinews, and not by mind. They soon began to appreciate his wisdom and moderation, and before the deputation went back to their villages they were heard to declare that the king, La Galissonière's master, must have a wonderful idea of his intellect, or he would never have sent such a man to rule over them. The marquis used to say of himself that he knew how to apply natural history to politics, and that philosophy, mathematics, and other sciences all helped him to see clearly how a country should be made powerful in order to depress envious neighbours.

M. de Chateaubriand in his Travels* says, that, in observing old maps of Canada, he was for ever haunted by the idea, why it was that the government

* Vol. ii. p. 207.

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of France had left colonies to perish, which would afterwards have been the source of inexhaustible prosperity. From Acadia and Canada to Louisiana, from the mouth of the St. Lawrence to that of the Mississippi, the territories of New France surrounded the lands which originally formed the thirteen colonies. The eleven other states, which now form part of the Union, together with the districts of Columbia, Michigan, the North West Missouri, Oregon, Arkansas, all belonged to France, by the cession of the English and Spaniards, the first heirs of France in Canada and Louisiana. "The French," he exclaims, "disinherited of the conquests of our genius and our courage, now hear the language of Racine, of Colbert, and of Louis XIV., spoken merely in a few hamlets of Louisiana and Canada, under a foreign sway."

Similar ideas had long before occurred to La Galissonière.* He continually expressed his opinion, that a chain of forts behind the English colonies, which should connect Canada with Louisiana, was the only way to check the advance of the English. His first proposal was that a large and well-organized expedition should be sent from France; he demanded that 10,000 peasants should at once be despatched, and settled according to the common practice of the French in seigneuries selected for the strategic value of their

* So also said Charlevoix:—"Notre établissement dans la Louisiane fait grand mal au cœur à ceux-ci (les Anglais); c'est une barrière que nous mettons entre leurs puissantes colonies de l'Amérique Septentrionale et le Mexique. Les Espagnols, qui nous voyent avec des yeux si jaloux nous fortifier dans ce pays, ne sentent pas encore l'importance du service que nous leur rendons."—Charlevoix, vi. 160.

situation. But his application was disregarded. He then set himself to consider whether the Acadians who were then, and had been since the Peace of Utrecht, under British rule, could not be seduced from their new allegiance, and persuaded to place themselves again under French protection. Soon after the taking of Louisburg, MM. de Beauharnois and Hocquard wrote to the Count de Maurepas, announcing the opinion that the French neutrals, as they were called, were very desirous of returning under French dominion ;* that it had always been their expectation of the Acadians, that Acadia would be reconquered; and that so strong was this belief, they waited for the return of their former masters before rebuilding their shattered habitations. La Galissonière saw that if he could attract these unfortunate people to the Canadian side of the frontier, he should have in them allies even more hardy and helpful, because more accustomed to the life of the wilds, than emigrants fresh from France would be. He accordingly applied to the missionary priests who had settled among them, and who in all political disturbances took a most active part; by their instrumentality a large number

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* As regards the disposition of the inhabitants towards us, all, with very few exceptions, are desirous of returning under the French dominion. Sieur Marin, and the officers of his detachment, as well as the missionaries, have assured us of this; they will not hesitate to take up arms, as soon as they see themselves at liberty to do so; that is, as soon as we shall become masters of Port Royal, or they have powder or other munitions of war, and will be backed by some sedentary troops for their protection against the resentment of the English. If, notwithstanding this preliminary, any settlers should still be found to hesitate declaring themselves, all difficulties would be overcome by the employment of menaces and force.—N. Y. Col. MSS., 27th June, 1745.

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of English subjects were brought into Canada. On all occasions La Galissonière was ably seconded by the warlike missionaries of the frontier. These men naturally acquired an influence over their flocks, which was perhaps in the main used for the furtherance of order and religion; but the conditions of life on that warlike frontier were so remote from anything that we can readily imagine, that we are tempted to set down even the civilizers themselves as beyond measure brutal and uncivilized. Throughout the long wars which preceded the capture of Canada, the Indians were led to battle by their missionaries. It was the custom for the governors of Canada to divide the Indians capable of bearing arms into missions, instead of companies, or battalions. For example, in a letter from MM. de Beauharnois and Hocquard* to the French minister of marine and the colonies, we find the Indians thus enumerated:—"In the Sieur Loutres mission, 200; 80 at Isle Royale, Maillard, missionary; 195 at Miramichi, Father Lacorne, missionary; at Restigouche, 60, Father Lestage, missionary;" and so on. All the warlike fathers enumerated were more or less celebrated as partisan leaders; and, if we may judge from the descriptions of their exploits incidentally given by their military superiors to the French ministers, none of them appear to have considered it necessary to temper the horrors of warfare with any exhibition of clemency to the vanquished. Le Loutre was sent to Canada in 1737 by the Society

* MM. Beauharnois and Hocquart to Count de Maurepas.—Quebec, 12 Sept., 1745, in New York Col. MSS., x. 15.

of Foreign Missions in Paris, and took up his abode among the Acadians and Micmacs: we hear of him heading an attack on Annapolis in 1744.* He became so odious to the English in consequence of his repeated attacks upon them, that a reward was offered for his apprehension. He at one time made himself of so much consequence, from his influence on the frontier, that he was appointed vicar-general of Acadia. In 1757, before the final cession of Acadia, he fled in disguise to Quebec, to avoid falling into the hands of the English, but the Bishop of Quebec, who by no means approved of his turbulent subject, sent him home in disgrace. He appears to have been a man of savage temper, and was for many years the evil genius of the French neutrals. Smith, in his History of Canada,† says with reference to his management of the Acadians:—"These unhappy people had from the first felt the iron hand of his tyranny; neither the provisions nor clothing furnished by the crown could be obtained without repeated supplications and prayers, and in every instance he showed a heart steeled against every sentiment of humanity." Even after Cornwallis had established Chebuctow, Le Loutre caused the homes of the unhappy Acadians who had remained faithful to the English to be burned. 1749

Scattered notices of his predatory raids occur incidentally in many of the letters of M. Beauharnois to the French court. The manner in which they are narrated shows the temper in which the frontier warfare was carried on. In the same letter which has been already quoted, M. Beauharnois says:—

* Williamson's Maine, ii. 216. † Vol. i. p. 217.

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"Lately, a boat belonging to an English merchantman, having landed at La Hêve for wood and water, the Indians killed seven of them, and brought their scalps to M. Marin: they can be depended upon to pursue the same course as long as means will be found to furnish them with arms, powder, and ball. This is also the opinion of M. Loutre, their missionary, who arrived at Quebec on the 14th September."

Father Germain was another of these warlike priests. He was a Jesuit, and lived among the Abenakis on the river St. John. He constantly figures in the "Colonial MSS.," sending intelligence to Quebec of privateers, corresponding with the Governor of Canada on the warfare waged around him, and distributing arms among the Indians of his mission. But he does not appear to have been distinguished either by the activity or the cruelty of Le Loutre; indeed, on one occasion we find him ransoming an English prisoner taken by the Indians in a fight at Minas basin. But the most notorious of all was Father Lacorne. This man was better known as Captain Barthe: "there was nothing about him of his order but his coat; he was a trader, visited Quebec in his own sloop, navigated by himself to sell his goods and purchase supplies; when he had amassed considerable wealth he abandoned his mission, and returned to France on pretext of ill-health. There he kept his carriage, mixed in ladies' society, and thought no more of his convent."* He became secularized in 1757.

* Collection of the Quebec Literary and Historical Society, 1838, p. 82.

In March 1757 the Reverend Claude Godfroy Cocquard wrote this to his brother:—"You will learn that our Indians have waged the most cruel war against the English, that they continued it through the spring, and are still so exasperated as to be beyond control. Georgia, Carolina, Marrelande, Pensilvania, are wholly laid waste; the farmers have been forced to quit their abodes and retire into the towns. . . . The Indians do not make any prisoners; they kill all they meet, men, women, and children. Every day they have some in their kettle, and after having abused the women and maidens, they slaughter or burn them."

In a subsequent letter, the same reverend father says:—"The English have taken one Delaware chief whom they have gouged. M. Damas, governor of Fort du Quesne, has taken advantage of that act of cruelty to represent to the Indians of that nation what they might expect from our enemies. It has so infuriated them that not a person falls into their hands who is not burnt. These same Delawares, on returning from their expedition (in which they murdered a large English detachment), met eighty English, who on the approach of the Indians, had fortified themselves in a house to which the latter set fire, "et ainsi fit rôtir les Anglais." But enough has been said to show the ferocious spirit in which the border warfare was carried on.

After the treaty of Aix-la-Chapelle M. de la Galissonière returned to France; an article in the treaty had provided that a commission should meet in Paris for the purpose of defining the "ancient limits" of

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Acadia mentioned in the treaty. Sir William Shirley, who had been created a baronet for his services in organizing the expedition against Louisburg, and Mr. Mildmay were selected as the representatives of the English; M. de la Galissonière and M. de Silhouette were appointed on behalf of the French. It soon became evident that the French court were only trifling; every artifice was used to gain time, and every nerve strained by France to prepare for a conflict upon which, as we have seen, they had already determined. The limits of Acadia, if they had been really the subject in dispute, might have been decided in ten minutes: when the French ceded "Acadia according to its ancient limits," they of course ceded all that France had ever held or claimed under that name. A French instrument was at hand, and was well known to both parties, which defined those ancient limits with precision; but neither party chose to appeal to it. The Charter of Henry IV., appointing De Monts in 1604, described Acadia as extending south as far as the fortieth parallel of latitude, and north as far as the forty-sixth. This document would have given the English more than they had ever dreamed of claiming; but the English commissioners did not appeal to it, they considered it imprudent to rest, even in appearance, their title to a part of these possessions, on grants made prior to the patents of Virginia. The French were still more unwilling to bring it up in evidence, for the limits therein described would have decided their claim against them. The Earl of Albemarle, who represented the court of England as Ambassador at Paris, complained in vain of the

delays and pretences of the French colonial office. His remonstrances were parried and explained away —the king personally condescended to express his regret that anything should arise to give cause of offence; he professed the utmost purity of intentions, and sincerity of motive; but the systematic energy with which the French preparations were followed up proved to both nations that neither the king nor his minister were to be relied upon.

M. de la Galissonière was succeeded as governor-general by M. de la Jonquière. This officer had been appointed governor before Galissonière, but he had unfortunately fallen in with the English fleet on his way to assume the government, and had been taken prisoner in Anson and Warren's action off Cape Finisterre. M. de Jonquière was a man of very considerable ability, and, till his constitutional avarice grew upon him to such an extent that he was unable to attend to anything except money-making, he followed the policy of his predecessor with good success. Just before the assembling of the commissioners at Paris; the governor-general received positive instructions from home to carry out La Galissonière's views with regard to Acadia, and M. de Boishébert was sent down with a considerable force to the River St. John, and took possession of the isthmus that connects Nova Scotia with New Brunswick. As soon as this flagrant violation of the treaty was known in England, the Earl of Albemarle was directed by his court to remonstrate in the strongest terms. In accordance with these instructions, he wrote to M. de Puysieulx, the French minister :—" M.

1749

May 13, 1746

1749

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Cornwallis," he says, "governor of Nova Scotia, has informed the Duke of Bedford by a letter dated 1st of May this year, that the French have taken possession of Nova Scotia, beyond the Bay of Fundy, from the River Chiquecto to that of St. John. He demands that the conduct of M. de la Jonquière should be disavowed, that positive orders should be sent to him immediately, to withdraw his troops and the Indians under his authority from the places belonging to Great Britain; that amends be made for the acts of violence which have been committed, and the damages which the king's servants have suffered."

M. de la Galissonière's knowledge of the subject in dispute at once showed him the importance of the crisis. He prepared a paper, which, proceeding as it does from one of the most clearsighted of French statesmen, and giving unreserved expression to the feelings which animated the mind of France at that time, forms a very remarkable illustration of the secret designs which terminated four years afterwards in the breaking out of hostilities.

M. de la Galissonière begins by saying that the pretensions set up by his Britannic Majesty's commissioners respecting the extent of Acadia, and the measures which the English Government are taking to re-establish themselves in that part of the American continent are of a nature to demand the most serious attention on the part of the government. He declared that while peace appeared to lull the jealousy of the English in Europe, that passion was in active operation in America, where the English were rapidly placing themselves in a position to invade the French

colonies at the outbreak of the war, which could not be far distant. The military authorities of France and England were each of course anxious to secure to their own country the occupation of all the avenues by which the territories of the other could be approached.

"It is not proposed," he writes, "to dwell on the utility of colonies. If any doubt should arise on this point, let any one look at the account of the revenue of the king's farms, the immense quantity of all sorts of commodities and manufactures sent to the colonies; the returns which come from them, some of which are necessary to manufactures; and the surplus produce which is exported to other countries, and which make the balance of wealth to turn in favour of France."

He admits that Canada and Louisiana are not productive directly of such wealth to France, as St. Domingo, Martinico, and other tropical islands; and that those colonies are, on the other hand, an expense. He complains, a little unreasonably, that the immense extent of Canada and Louisiana prevent them from being ruled by one mind, or from affording each other mutual support; that they can only receive goods, &c. from France by two rivers, 2,700 miles distant from each other; that they would be glutted with their own produce, and starved for the want of European commodities, if a maritime nation were to blockade them; that the expenses for military stores exceed the revenue; and that the necessity for cultivating the friendship of Indians necessitates a large outlay for presents.

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Nevertheless, he argues, motives of religion, honour, and glory forbid their abandonment. It would be an act unworthy of France to give up a French population, who had gone to America under the expectation of French protection: it would be cruel to abandon the chance of converting the heathen. But he refuses to insist either on those motives, or on the probable future wealth of Canada: he prefers to regard Canada solely as a barren frontier, such as the Alps are to Piedmont, or as Luxembourg would be to France. It would, he says, be impossible to abandon such a boundary; its position offers too good an opportunity of making head against a powerful and disagreeable neighbour. Canada, he says, has always been, and is now, a burden on France, but it forms the best possible barrier against England; the proof of that fact is the frequent attempts the English have made to possess themselves of it. The position of Canada is such as to enable it to cope single-handed with the English colonies. If the English plantations were allowed to remain undisturbed, they would absorb all the colonies on the continent of America, and with them the tropical colonies of France. The difficulty of seizing Canada hitherto had always been, not its intrinsic strength, but the difficulty of sending from Europe sufficient troops to subdue it. The English colonies, from the rapidity of their development, would soon be in a position to fit out armaments on the continent of America, sufficiently formidable to insure the capture of the French possessions without assistance from home. He admits that the Canadians have always successfully waged war

against the English, notwithstanding their numerical inferiority, but that success has been owing principally to the alliances of the French with the Indians, who liked them better and feared them more than they did the English; and to the habits of the French Canadians, many of whom had adopted the manner of life of the Indians and their mode of fighting.*

The superiority, he continues, of the French in America is thus in some sort accidental, and the balance is liable to be overturned if the efforts of the French are for a moment relaxed. That loss of superiority would be followed by the loss of all the French settlements of America, and "would drag after it the superiority which France must claim over England." If anything can in fact destroy the superiority of France in England, it is the naval force of the English. This alone sustained the House of Austria at the commencement of the war of the Spanish succession, as it caused France to lose, at the close of the last

* M. de Boishébert gives the following account of the mode of fighting adopted by the Indians:—"They never submit to any regularity on the march; that is to say, they are not commanded like the French, and ordinarily do what they please, and it takes a good deal of persuasion to induce them to march. They are conversant with the forest and the paths through those vast wildernesses, and follow the trail of men as of wild beasts, and whether in wet or dry soil, calculate on the autumn leaves their number pretty nearly as correctly as if they saw them. Their knowledge in this regard surpasses all imaginable ideas. But they often abandon you when the fancy takes them or they have got all they can. They act bravely when they please; risk much to secure the scalp of a man they have killed, which they have sometimes taken amidst a storm of musket balls, and are very adroit in surprising their enemies. They would be a great assistance to us, were they willing to serve us faithfully, and we are always in need of some of them. But with them we must always be the strongest and be giving them presents."—New York Col. MSS. x. 83.

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war, the fruit of the entire conquest of the Austrian lower countries. The French could not, he says, long continue an expenditure equal to that of the English. But it is impossible to adopt the only other resource —that of attacking them in their own possessions— without fortifying Canada and husbanding means in that colony itself: there the advantages possessed by France can be advantageously put forth, and even increased, at an expense trifling in comparison with the cost of armaments sent from Europe.

The utility of Canada is not confined to France. It also affords protection to Mexico, which in its turn protects Louisiana from the English, and, with that colony, forms a barrier which the English are unable to penetrate.

If any unforeseen difficulty were to arise with Spain, the French would be able to share with Spain their rich settlements in America. But as such an event appears by no means probable, France must seek to extend her possessions to the eastward in the direction of the English, and not towards the Spaniards. "All that precedes sufficiently demonstrates that it is of the utmost importance and necessity not to omit any means, or to spare any expense, to secure Canada, inasmuch as that is the only way to wrest America from the ambition of the English, and as the progress of their empire in that quarter of the globe is what is most capable of contributing to their superiority in Europe."

Even if both parties had been earnest in their desire for peace, it would have been difficult to propose terms which should satisfy both nations without

wounding the pride of either; but when the principal commissioner was so clearly resolved on war, as this paper proves him to have been, the task became impossible. The conduct of England evinced great moderation and forbearance; insults were offered to the English flag both at the eastern and western extremities of her empire, which were not resented; yet every sign announced that a declaration of war could not long be withheld. The peace was still unbroken, when Labourdonnais sailed from the Mauritius, and expelled the English from Madras. The English Government made no sign while Dupleix was aiming at the sovereignty of all India, and subjecting English prisoners on parole to indignities which would not have been becoming if the parole had been refused. English ministers contented themselves with remonstrance when, in return for the cession of Louisburg according to the terms of the treaty of Aix-la-Chapelle, M. de Boishébert took possession of the neck of land between New Brunswick and Nova Scotia. Nor did the aggressions of the French stop here: the governor of Canada threatened the eastern frontier of New England, and strengthened his posts on Lake Champlain, in order to overawe northern New York; he sent a strong party to 1749
the Ohio, with the intention of hemming in the English settlements to the west. M. de Celéron, to whom this delicate service was entrusted, commenced his operations by working on the old jealousy of the Five Nations, and inspiring them with the belief that the English looked upon their country as English territory, and themselves as English subjects.

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While these intrigues were in progress active steps were taken for connecting the great lakes with the mouth of the Mississippi, by a chain of forts.

The English frontier colonies perfectly understood the difficulty of their position. The assembly of Massachusetts declared that they "beheld with alarm those insolent intrusions, and advised that the neighbouring provinces should be informed of their common danger." They expressed their dread of even the most distant prospect of being subjected to the tyranny of France, and concluded by sending an address to the king thanking him for his former protection, and begging that "no breach might be made in any of the territories of the crown on this continent."

1748 The English Government had at the peace disbanded a large body of men both of the land and sea forces. The army was reduced to little more than 18,000 men, those in Minorca, Gibraltar, and the American plantations to 10,000, and the sailors in the royal navy were under 17,000. It was feared that the disbanded men might take to brigandage or piracy. The easiest remedy, and one which might be turned to a good account hereafter, was the formation of a military colony in America. Nova Scotia was selected; fifty acres of land were offered to every disbanded soldier, ten for every child, besides a free passage and exemption from all taxes for ten years.* Above four thousand persons with their families embarked under the command of Colonel Cornwallis, and landed at the harbour of Chebuctow.† The

* Chalmers, ii. 259.

† Lord Mahon's History of England, iv. 6.

Earl of Halifax was then at the head of the Board of Trade, and the new town was named after him Halifax.

In the same year a large tract of land on the eastern bank of the Ohio was granted to a company of English merchants. A considerable number of planters at once sent men and money to the new settlement, which they placed in such a position as to cut off the communication between Canada and Louisiana that M. de Galissonière was so anxious to retain for France. Soon afterwards, M. de Vaudreuil, the Governor of Louisiana, reported to his court* that the English had been intriguing with the Indians in Louisiana, and had begun an establishment on the Ohio; he adds, that he had required of the French Indians to avenge the insolence of the English, and the former had brought in 130 scalps to Mobile. "After this brilliant exploit," writes M. de Vaudreuil, "the greater part of the revolted villages have altered their sentiments." He remarks, that it is the design of the English to push their settlements into the interior of the country, so as to cut off the communication between Louisiana and Canada.

While this state of uncertainty prevailed in Acadia and on the western frontiers of Pennsylvania and Virginia, the French took measures which proved that in their opinion war was not far distant. They made their stockade on the Niagara into a formidable fort; they built vessels of large size at Frontenac,† the place where the waters of the Ontario turn north-

* New York Colonial MSS., x. 219. 18th Sept., 1750.

† Now Kingston.

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wards into the channel of the St. Lawrence; they sent troops to overawe the Indians, and to drive away, by menaces, if menaces were sufficient, and if not by force, the Pennsylvanian traders who had flocked to their grant on the Ohio. The French and English leaders vied with each other in attempts to gain the Indian tribes. Every chief found himself courted by subtle emissaries from two great nations; every warrior became suddenly possessed of riches that seemed boundless to the imagination of a savage. His white father from the Canadas sent him supplies of powder and of muskets; his wigwam was full of English blankets and tomahawks, corn, and brandy. Meanwhile, M. de la Jonquière, obeying the stern summons that comes once to all, had left his cherished hoards of specie, and had died by the light of a tallow-candle at Quebec.* La Galissonière, who was consulted, recommended as De la Jonquière's successor

1752 the Marquis du Quesne, who landed in August at Quebec. Immediately on his arrival, Du Quesne began to reorganize the militia of Quebec and the provinces—all the inhabitants of the colony. An ordonnance already provided that all, except those who were noble by birth, or who by their employments held the rank of nobles, should be enrolled in the militia. The captains were selected from among the most considerable persons in each parish, and were entitled to occupy the chief seats in the parish

* M. de la Jonquière was of an extremely miserly disposition. He amassed by gross peculations an enormous fortune at Quebec, but his palace was without the common necessaries of life. When he was dying, he desired the attendant to remove the wax-lights, saying that tallow was good enough.

church, and to be treated as magistrates in the towns. They were held in great respect, and government insisted on all orders transmitted through them being punctually obeyed. If any one refused obedience, he was taken to the nearest town and arraigned before the military tribunals. When it became necessary to call out the militia, the governor-general transmitted his orders to the colonels or the town-majors, who sent requisitions to their captains to furnish each a certain quota of men. The officer who ordered the draft chose the conscripts, and marched them to the town-major, by whom each man was furnished with an equipment—a gun, a capote or Canadian cloak, a cotton shirt, a cap, a pair of leggings, a pair of mocassins, and a blanket. They were then marched to the garrison for which they were destined. It was usual in time of peace for the governor-general to review the whole body once or twice a year, and to inspect the arms. The artillery company of Quebec was exercised at great-gun practice every Sunday, under the orders of the artillery serjeant-major of the king's troops.

The captains in the country districts were charged with various duties. The intendant communicated with them on all questions respecting police, or suits touching seigneurial rights: to them likewise orders respecting the roads were transmitted by the grand voyer.* Du Quesne attached bodies of artillery to the garrison of each city, and remodelled the parish militia in many important particulars. The governors of Canada had all been military men: they seized and fortified such situations as would give their nation

* General Murray's Report.

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most influence with the Indians, and most facilitate incursions into the northern English colonies. The command of Lake Champlain had been acquired by erecting a strong fort at Crown Point; and a connected chain of forts was maintained from Quebec up the St. Lawrence and along the great lakes. Du Quesne now determined to carry out the oft-attempted plan of his predecessors, by taking positions which should circumscribe the western frontier of the British, along the whole valley of the Mississippi from its head waters to the sea. In February, 1753, the troops under his orders actually took the field: a large number of soldiers destined for service in the south-west were despatched from Quebec. They arrived in April partly by boats, and partly on the ice, at Niagara, which became their base of operations.

An examination of the map will show that the river Ohio takes its rise in the high ground south of Lake Erie, where it runs in a south-westerly direction through the western part of Pennsylvania. It then divides the states of Indiana and Ohio from their southern neighbours Virginia and Kentucky, and at the western angle of the latter state joins the Wabash and flows with it into the Mississippi.

Morang, the commander of the Canadians, having secured the command of the river Niagara by building a fort at its embouchure in Lake Ontario, proceeded to cut a road through the bush to the south-west, in order to connect the fort with the trading posts of Presquile, Le Bœuf, and Venango, which lie along the course of the Ohio, within the limits of

Pennsylvania. The settlers and their Indian allies were equally alarmed. A strong representation was made to the Board of Trade; and that body represented to the king,* that "the crown of France, not having the least pretence of right to the territory of the Ohio, an important river, rising in Pennsylvania, and running through Virginia, it was matter of wonder what such a strange expedition in time of peace could mean, unless to complete the object so long in view, of joining the St. Lawrence with the Mississippi: that, the king's servants having already abandoned their settlements, the lives and liberties of the people of Virginia, Maryland, and Pennsylvania, in case of a rupture must be greatly endangered. Orders were at once sent to the respective governors to repel the French by force, provided they were found within the undoubted limits of their several provinces, and it was again proposed that the assemblies of each province should send a committee to form a general treaty with the six allied tribes, and to agree on the measures necessary for the common defence.



Washington, then a major of the Virginia militia, was despatched by the governor of Virginia to the Ohio to demand explanations of the French. This was the first occasion on which this name, now so well known and loved, occurs in history. The occasion, trying for a raw Virginian youth, called forth all his powers. In his negotiation, fruitless though it was, he showed all those qualities that have made his name illustrious. His temper, his patience, his tact, his energy, made a deep impression on those

* Board of Trade to the King, August, 1753.

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who saw him. The discussion he sustained with so much ability was of course without result. The French had decided it by a foregone conclusion. Eloquence even more powerful than that of the provincial surveyor would not have availed with the Canadian officer against the positive orders of Du Quesne. What those orders were, the native shrewdness of Washington soon discovered. Joncaire, a French adventurer, who had been adopted by the Indians, and who now commanded the French detachment at Venango, avowed the whole design. Washington sat quiet and watchful at supper, while Joncaire, more and more elated with wine, blurted out the scheme that had been elaborated by La Galissonière. Du Quesne, he was told, intended to seize and hold the whole valley of the Mississippi. "We know well," exclaimed the Frenchman, growing boastful in his cups, "that you could raise two men for our one, if your assemblies were only united among themselves; but you English dawdle over your preparations till the time for action is over."

All this and more Washington carried away. The law of nations had never decided that the whole course of a river, from its embouchure to its source, belonged of right to the nation which first discovered its mouth. But was this an opportune moment for argument? It would have been useless to point out that the country had belonged to the English, by right of discovery and occupation, long before the period to which even the most imaginative Frenchman dared refer as the time whence the claims of his country should date.

The quarrel in which the French and English now engaged was exclusively a colonial one. The possession and defence of the Americans had already cost, over and over again, a larger sum than the whole produce of their trade would have produced.* The English had the mortification of observing that the colonists claimed all the security of Englishmen against attack, and repudiated their obligation to take a share of the burdens which their defence occasioned. Were they attacked by the French,—they were Englishmen, and had a right to the ægis which that name throws over all subjects of the crown; were they called upon for a subscription in aid of the war,—they were men who would not submit to be taxed without their own consent; were they taken at their word, and requested through their own assemblies to tax themselves,—they sometimes refused, and sometimes doled out a minute supply, taking care to mix up with their money bill some infringement on the royal prerogative, which rendered it impossible, except under severe exigency of the public service, for the governor to accept the terms offered. "Every assembly," says Chalmers,† "when asked for reasonable aid, seized the welcome opportunity of public distress to degrade the royal prerogative, by assuming the executive powers of the prince, to encroach on the national jurisdiction by departing from the subordinate station of local legislatures."

The action of the colonies at this crisis was in accordance with their invariable policy. As soon as they perceived that the French meditated a war of

* Lord Sheffield. † An American lawyer who wrote in 1782.

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aggression in America, a chorus of complaint and apprehension came at once from the colonists. Shirley, Governor of Massachusetts, and Clinton, Governor of New York, had convened an assembly, at Albany during the last year of the last war, to concert measures for uniting all the colonies for common defence; Massachusetts and the other New England States were, of course, anxious that the union should be carried out. They were the barrier between the Canadas and the southern colonies, and if any attack was made they must bear the brunt of it. Besides this, years of warfare had raised up among them an adventurous class who were perfectly ready to swell the English ranks, and fight in their own defence, provided they were well paid. The Congress of Albany, and especially the Legislature of Massachusetts, advocated the erection of a line of detached forts which might be so arranged as to overawe the French frontier, and defend the New England colonies from attack. Shirley, in transmitting the proceedings of the assembly to the Duke of Bedford, strongly advised that a tax should be levied on all the colonies for the purpose of maintaining those forts. "For,"* said he, "I think it as reasonable that it should be performed at the joint charge of all the colonies, as that Portsmouth should be maintained at the expense of the people of England. The circumstances of the British subjects on this continent are now such, that making them contribute towards their common security, could not reasonably be thought laying a burden upon them."

1748

* April, 1749.

It was all in vain; every colony, with the exception of Massachusetts, Connecticut, and South Carolina, refused to contribute one farthing towards the expense. The exceptions will easily be understood on looking at the map: the two first were directly in the way of the first movement that might be made by the French military colonies on the Richelieu; the last was equally exposed to incursions from Florida and Louisiana. Even in 1753, when the French were actually on the Ohio, and Washington had brought back certain intelligence of their intentions and views, the Virginians refused supplies to Dinwiddie because they declared themselves "easy on account of the French." When at last the French had actually established themselves in fortified posts at Niagara, at Le Bœuf, and at Venango, when Contrecœur had driven a colonial officer out of a post which he held on the forks of the Monongahela, when Fort du Quesne had arisen on the ruins of an English stockade, they could no longer close their eyes to the danger which was actually within the boundaries of their State. They granted 10,000*l.* of their currency; but Dinwiddie wrote home that the bill was so clogged with encroachments on the prerogative, that he would not have given his assent had not the public service rendered the supply imperatively necessary.

With the money voted by Virginia, and a small quantity of stores which had been sent from home, Washington, who had already been of so much service, took the field; but the planters threw every kind of obstacle in his way: he complained to Din-

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widdie, that he met with opposition from those who, if they had been good subjects, would have exerted their abilities to forward his designs. The North Carolina militia disbanded, because the military chest did not contain money to pay them in advance. The commanders of the independent corps quarrelled for precedence with the provincial militia. There was no martial law—constant mutinies occurred. Even the genius of Washington could make nothing of the disorderly crowd of which his army was composed.

1754 Meanwhile the French seized, one after another, the small forts on the Ohio. Before Washington could reach Wells' Creek, the French, led on by Contrecœur, came down from Venango, and summoned the English at the fork to surrender. The preparations which were made against them rendered resistance on the part of the garrison absurd. Contrecœur at once set himself to erect a fort on the site of the little stockade he had taken, which he called Du Quesne. The forest trees around were felled and burnt: log huts and cabins of bark were erected around as barracks for the soldiers. The settlement then began is now the great city of Pittsburg. It was no easy march that Washington had undertaken; his force was small and mutinous; he had to cross deep streams. The commissariat stores were bad; the troops had no tents to shelter them from cold and wet; they had to drag their cannon painfully through the forest. Contrecœur despatched several parties to feel for the enemy, and Washington at length came upon one of these scouting parties; he had advanced all night, heavy rain was falling, and

it was pitch dark. Indian scouts reported that the French were concealed among some rocks; a party was sent on to take them by surprise. Jumonville, leader of the French, was killed and his men captured. The incidents of that skirmish differ but little from those of a thousand others; but to the Americans it has an interest of its own, for in it was fired the first shot in the war which deprived France of her colonies, and opened the way to American independence. Washington was assailed with the bitterest terms of hatred by the French on both sides of the Atlantic: the parasites and panders who surrounded Louis XV. declared that he had violated the law of nations, that he had attacked an ally, in time of peace, on neutral ground; they declared him a murderer, who had leagued with savages to stab an honourable enemy in the dark. They chose to forget their own armed invasion of British soil; to ignore the preparations of Du Quesne and the diplomatic delays of Louis; they only remembered that England and France were still nominally at peace. Washington was now in a very critical position: a company of South Carolina men who joined him added little to his strength; for their captain, Trent, who held a commission from the king, began an absurd squabble for precedence with the provincial commander. Washington left him behind to complete a small fort which he had begun to build at Great Meadows, and continued his advance. But the number of the French continually increased in his front, and he fell back on Fort Necessity. The royal troops of Carolina had done nothing to make

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it tenable; it stood in a glade between two eminences covered with trees. On the third of July, six hundred French took possession of one of these heights, and opened fire on the English. For nine hours the unequal contest was maintained; but, at length, De Villiers, the French commander, proposed a parley. The provincials, soaked with the rain that had fallen incessantly, were overmatched and dispirited. Washington found that it would not be possible for him to keep them together much longer; he was therefore compelled to accept the terms of capitulation which were proposed to him. The capitulation was written in French, which neither Washington nor any of the officers around him could understand. One of the clauses of this document related to the decease of Jumonville: the word used in the original to signify the manner of that officer's death was "assassination," the interpreter read it, "defeat and death." Washington would, of course, not have acquiesced in terms which attributed to him the crime of murder, had he known them to exist; but the stigma which he thus unknowingly acquiesced in, was long and angrily affixed on him by the French. The English garrison marched* out with the honours of war; and "in the whole valley of the Mississippi, to its headsprings in the Alleghanies, no standard floated but that of France."†

* July 4, 1754.

† Bancroft, iii. 86.

# CHAPTER VIII.

## CAMPAIGN ON THE MONONGAHELA.

[1755—1759.]

Political Condition of the Colonies — Congress of Albany — Braddock's Expedition — Battle of the Monongahela — Defeat of Dieskau — Action taken in this emergency by New Hampshire, Massachusetts, New York, New Jersey, Pennsylvania, Maryland, Virginia, and the Carolinas.



It might be supposed that in this extremity the colonies would co-operate cordially with England in defence of their soil. The most indifferent could not but be aware that a war with France, in which the independence of the colonies was involved, had actually begun. Subject provinces would have obeyed the orders of the dominant country, whatever those orders were: still more readily would they have obeyed, when the orders given involved the details of arrangements made by a powerful protector for their defence: provinces sincerely anxious to retain the connexion which bound them to the mother-country, would even, if necessary, have yielded something, in order to retain advantages which they appreciated. The course pursued by the colonies at this important period of their history was unlike either of these alternatives.

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The political relations, different in each colony, which the American plantations maintained with Great Britain, are already known to the reader, and demand but a word in passing. Virginia, as well as the Carolinas and New Jersey, was a royal colony. The king, under his sign-manual, appointed the governor and the council, who constituted a court of chancery. The provincial judges, appointed by the king, held office during the royal pleasure. There were courts of vice-admiralty, presided over by a judge, a magistrate, and marshals, all appointed by the Lords of the Admiralty. Controllers and collectors of the customs, appointed by the commissioners of customs, were stationed at each harbour of importance. Militia officers and justices of the peace were appointed by the governor in council. One branch of the legislature was elected by the people, and the other was appointed by the king.

North of the Potomac, at the centre of the American continent, were the proprietary governments of Maryland and Pennsylvania. In them the king had no officers; and, except in the customs and admiralty courts, his name was hardly known in the acts of government.

New York was in some measure different from either. It was the central point of political interest. It possessed the most convenient harbour on the Atlantic, and a magnificent river penetrating far into the interior. It held the keys of Canada and the lakes; the forts of Crown Point and Niagara, bases of French operations, were encroachments on its limits; within its boundary was the chief council-fire of the

Six Nations, whose wavering allegiance was given sometimes to their French neighbours at Montreal, and sometimes to their English neighbours on the Hudson, according as the fortune of war promised from one or the other the greatest advantages to themselves. The country, having been obtained by conquest from the Dutch, was not at any time distinguished by loyalty to the British crown. The authorities at home persisted in regarding the local legislature as existing only by favour of the king, and depending for its limited power on the king's commissions and the king's instructions; the people looked upon their representatives as a body existing by inherent right, and co-ordinate in power with the British House of Commons. In no other colony were the relations of the province to Great Britain more sharply debated, and nowhere had the legislature so nearly appropriated to itself all executive authority.*

The New England plantations were an aggregate of organized democracies. As New York had been settled by grants of land to individuals, the New England colonies had been settled by grants to the towns. Massachusetts, New Hampshire, Connecticut, Rhode Island, and Maine, were all divided into little territories, each of which constituted a separate integral government, choosing its own officers, holding meetings of its freemen at pleasure, and empowered to see that every able-bodied man within its precincts was duly enrolled in the militia, and provided with arms. Each township elected its representatives to the assembly, raised and appropriated money for

* Camden, 104.

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the support of schools, highways, poor, and other municipal expenses. In Connecticut and Massachusetts, the system was carried still further; each township constituted also a parish, in which an independent church was established by vote of the people, who also elected their minister, and raised by annual vote a sum for his support.

In Pennsylvania the people had already managed so to monopolize power, as to make any attempt to disturb their authority almost equivalent to the introduction of anarchy. The lieutenant-governor had a veto on legislation; but he depended on the assembly for the annual vote by which he was supported, and had often to make his election between compliance with their will and starvation. There was but one branch of the legislature, and of this Benjamin Franklin was the moving spirit; it was hardly to be expected that in the hands of so ardent a democrat, popular authority would be permitted to lose one jot of its force. By constant perseverance the legislature had established an independent existence of its own. No power but its own could prorogue or dissolve it, but it was elected annually by the people. The judges were appointed by the lieutenant-governor, but were paid by an annual vote of the assembly, which not unfrequently exercised their power of withholding the supplies. Moneys were raised by an excise, and were kept and disbursed by colonial commissioners. Maryland, the other proprietary government, was much more under the nominal control of the proprietary. Frederick, sixth Lord Baltimore, a wild and dissolute youth, was the only landlord of

the province. To him belonged of right the power of initiating all the laws; but the delegates had managed to reduce this power to a triple veto—by his council, his deputy, or himself. He established courts and judges, punished or pardoned offenders, and appointed councillors, and all the most considerable officers throughout the colony. He received quit-rents from the whole population, besides escheats, wardships, the fruits of the feudal tenures, and fines of alienation, which last, though abolished in England, were still retained in Maryland. He also enjoyed a port duty of fourteen-pence a ton upon all vessels owned in the province, and he exacted licence duties from hawkers and pedlers. The public service was provided for by a permanent fixed duty on tobacco, out of which the lieutenant-governor was paid; the other officers were paid by fees and perquisites. The assembly imposed no taxes, except for the wages of its own members.

Lord Baltimore had also power, as prince-palatine, to raise his liegemen to defend the province. The Colonial Act of 1702 had divided Maryland into parishes, and established there the English Church, which was endowed with an annual tax of forty pounds of tobacco for every poll. There was no bishop in America; and the pulpits of Maryland, under the loose sway of Lord Baltimore, were soon filled by men of the most ruffianly and disgraceful lives, who speedily brought their own and all religion into disrepute. The king had reserved no right of revising the laws of Maryland, except so far as they were repugnant to the laws of England.

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In Virginia there was less strife than elsewhere between the executive and the assembly. The king had a permanent revenue from quit-rents and perpetual grants; and the governor, at that time the Earl of Albemarle, resided in England, and was careful not to let his deputy hazard his sinecure more than was necessary by controversy. The Church of England was established there by law, but its pulpits were filled too often by ill-educated and licentious men. The country was divided among planters who lived in rude magnificence on their broad domains, and dispensed to all comers the most open-handed hospitality. Many of the resident gentry, allied to good old English families, looked down upon the money-making Roundheads of New England and the Dutch traders of New York. Each estate was cultivated by a multitude of hands, purchased and assigned servants, many of them negroes from Guinea. The proprietors travelled to each other's houses in almost feudal state. The younger gentlemen pursued eagerly the diversions of hunting and cock-fighting, and their annual holidays were the races and assizes of Jamestown. They had few mariners, and built no ships for sale, but from their private wharves on the banks of the Potomac or the James, the resident gentry sent their tobacco to London or Bristol, in their own ships, and imported in return articles of English manufacture. Their connection with England was in all ways more intimate than with the northern colonies.

The Carolinas could not complain of the harshness of English legislation, for their staple productions, rice and indigo, were both exempted from the opera-

tion of the navigation laws, and even encouraged by a bounty similar to that given for the production of naval stores. They had no manufactures of their own, nor could they, in the existing state of their population, have maintained them even if the provisions of the English law had been changed: the system of partial drawbacks on exports to the plantations enabled them to obtain foreign manufactures cheaper than they could be bought in England. The people were nominally yeomen, owing small quit-rents to the king; in fact they were freeholders, for it was impossible to collect rents from adventurers who built their cabins and pastured their herds on vast savannahs and in forests that had never been surveyed. Labourers were imported by slave-merchants and supplied on credit. English soldiers were, at the request of the inhabitants, quartered in the colony to keep in check the wild tribes of the frontier, and to intimidate the slaves. The planter "might double his capital in three or four years."* North Carolina contained perhaps twice as many white inhabitants as its southern neighbour; but so purely agricultural was the community that it did not contain one considerable village. The swamps near the sea produced rice, and the alluvial lands teemed with maize. There were but few slaves; a hardy and laborious population of white men, scattered among the fertile uplands, obtained a frugal livelihood by hunting on the spurs of the Alleghanies for marketable furs, or pasturing their cattle on the plains and their swine in the woods.

On hearing of Washington's defeat, Governor

* Bancroft, ii. 93.

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Dinwiddie summoned the Assembly of Virginia, in August, 1754. It was matter of notoriety that great part of the disaster might have been avoided if the troops under Washington's command had been subject to a proper degree of discipline: but for this purpose it was necessary to place the provincial militia under martial law, and this the Assembly steadily refused to do. They had no objection to advance a sum for the conduct of the war, for they had before their eyes the example of the New England colonies, whose expenditure on the capture of Louisburg had been repaid by parliament with ample interest. The assembly therefore voted 20,000*l.* for the war; but as if it was impossible for them to do anything pleasing to the mother-country without at the same time endeavouring to mix some bitter with the sweet, "they clogged it with a rider, to pay a factious agent two thousand and five hundred pounds;"* and they refused to provide tents and provisions for the three independent companies which had been sent to their assistance. Dinwiddie, in great wrath, dissolved the assembly. He assured the Board of Trade that "it was impossible to conduct any expedition in those parts with a dependence for supplies on assemblies, without a British Parliament lay a poll-tax on the whole subjects of these provinces, to bring them to a sense of their duty."† Maryland, after lengthened negotiations, granted a sum of 6,000*l.* and New York 5,000*l.* But these small supplies, with the 20,000*l.* voted by Virginia, which

* Chalmers, ii. 269.

† Lieutenant-Governor Dinwiddie to the Board of Trade, 23rd Sept. 1754.

Dinwiddie was compelled by hard necessity to accept on the terms proposed by the assembly, only enabled him to secure the passes of the mountains, and provide magazines for future operations. Dinwiddie found it impossible to persuade the colonists that unless they would consent to help themselves it was impossible to prevent the French from taking possession of the country; he wrote to the Board of Trade, that the assemblies were all "ignorant, obstinate, or independent." His own view of the course to be adopted was to pass an act of parliament to compel the colonists to contribute to the common cause. He thought that in the eminently critical situation in which the colonies were now placed, they would not refuse obedience to an authority so august, although, owing to "the neglect of some and the infatuation of others," it was hopeless to expect the colonies, of their own accord, to agree upon the amount of their several quotas.



Meanwhile, in consequence of the royal requisition of the previous year, a committee consisting of delegates from the four New England colonies, Massachusetts, New York, Pennsylvania, and Maryland, met at Albany.* New Jersey, Virginia, and the Carolinas refused to send deputies.† A series of eager debates took place. It was impossible for the northern colonists to be in ignorance of the pressing nature of the danger which threatened their frontiers. The deputies came to a resolution that "it seemed necessary to take the most speedy measures to secure the

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* June 19.

† Hutchinson's History of Massachusetts, iii. 21.

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colonies from the slavery they are threatened with, as the French court have, since the peace, more than ever made this continent the object of their attention." They agreed in the course of their discussion, that the danger arose, not so much from the numbers of the French, for the numerical superiority rested with the English colonies, but their compact organization; whereas the English colonies "never entered into any joint exertions or counsels." They therefore determined to petition the English Parliament for an act whereby a general government might be formed, yet each colony retain its own constitution. A committee was appointed to draw up a plan for the perpetual confederacy of the continent. Franklin was one of the committee, and as he had "already projected a plan and had brought the heads of it with him,"* he was deputed, after some discussion, to make a draft of it. On the 10th of July he produced his plan of perpetual union, which was read paragraph by paragraph, and debated all day long. The committee at length agreed on the proposed confederacy "pretty unanimously." Franklin, giving an account of the result, said that it was "not altogether to his mind, but that it was as he could get it." The Congress proposed that there should be a legislative president-general and grand council, the president to be appointed and supported by the crown, the council to be chosen by the respective assemblies, and to consist of forty-eight members. The convention was to be called together, at the discretion of the king's representatives, but not without their own consent. They were to be invested

* Hutchinson's History of Massachusetts.

with power to direct Indian affairs, to make war and peace with the aborigines, to raise and support armies, to pass laws for the guidance of the whole federation, subject only to the condition that they should be in accordance with the fundamental laws of England, and should receive the royal assent. The executive power was to be divided between the president-general and the grand council. The president was to have the nomination of military officers; but the council retained a veto upon the nomination. The council, on the other hand, were to nominate to civil offices, and the president to retain a veto.

So satisfied were the assembled deputies with this characteristic proposal that they refused to concert any other means of defence until they heard whether the parliament of Great Britain would adopt it. While the Congress of the colonies were thus settling their plan of union at Albany, the Board of Trade were employed on a similar task at home. The project of this body, though less democratic than that of the Congress at Albany, was in many respects very similar to it. The main difference was that the proposal which emanated from Whitehall, provided that all action should originate in the royal prerogative; while the proposal of the colonies regarded the parliament as supreme. Neither of the two was adopted by the administration, who seem to have cautiously avoided all political regulation as either dangerous or unnecessary. "There were statesmen enough in England," says Chalmers, "who having beheld the colonies proceeding onward by a natural progress to a state of self-command, regarded the plan of union

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proposed by the congress as the keystone of that fabric of independence which the assemblies had for years been diligently building."*

Meanwhile, it had become impossible for the English government any longer to avoid taking notice of the conduct of the French. It was arranged that an English force should proceed to America, to avenge the defeat of Washington. The king's exclamation, when he heard of the death of Pelham, "Now, I shall have no more peace!" was literally fulfilled. The case was surrounded with difficulties: it was impossible to leave the French in possession of a series of strategic posts whence they could at will sweep down upon the English settlements, yet the colonists who were most concerned seemed entirely indisposed to conjoint action. The Duke of Bedford saw no other course than to take the defence of America into the hands of Great Britain, and to look upon any assistance which might come from the colonies as only secondary to the efforts which might be made at home. In accordance with this policy, Admirals Boscawen and Mostyn were sent into the North American seas to intercept the reinforcements of France, and General Braddock was instructed to assume the command in America.

Early in the spring General Braddock landed in Virginia, with two regiments of regular troops from Great Britain, which it was supposed would bear down all opposition. The people, ere he had well landed, began to speculate on the speedy termination of the war, and to prophesy that the French would,

* Chalmers, ii. 273.

without the slightest difficulty, be driven back to Canada.

Washington, who had resigned his commission the year before, in consequence of some absurd regulations made by Governor Dinwiddie, joined Braddock as a member of his family; "he conceiving, I suppose, that the small knowledge I have had an opportunity of acquiring of the country and the Indians is worthy of his notice, and may be useful to him in the progress of the expedition."*

Braddock had entered the army as ensign in the Coldstream Guards, in 1716, and appears to have been continually fighting, either professionally or in duels: one of the latter combats occurred with Colonel Waller, on the day on which Braddock obtained his promotion to the rank of lieutenant. The story of another of his encounters is told in a letter to Sir Horace Mann by Horace Walpole: "He once," says Walpole, "had a duel with Colonel Gumly, Lady Bath's brother, who had been his great friend. As they were going to engage, Gumly, who had good-humour and wit, said, 'Braddock, you are a poor dog! here, take my purse. If you kill me you will be forced to run away, and then you will not have a shilling to support you.' Braddock refused the purse, insisted on the duel, was disarmed, and would not even beg his life. However, with all his brutality, he has lately been governor of Gibraltar, where he made himself adored, and where never any governor was endured before."† Braddock saw a

* Washington's Correspondence.
† Letters to Sir H. Mann, August, 1755.

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good deal of service in Flanders, and was present with his regiment on the unfortunate day of Fontenoy. Stories of his high play, his buffoonery, and his debauchery, preceded him to America; but the tone of society in Virginia was not generally such as to render the character which the general brought with him a disadvantage in their eyes. His unflinching devotion to the bottle gained him golden opinions, and added enthusiasm to the welcome with which they were prepared to greet the officer who was to deliver the country from the French.

Braddock had at least the good sense to surround himself with able advisers. Washington, as has been already said, was admitted into his family as aide-de-camp; and Franklin, who was postmaster-general, was promptly made useful in organizing the commissariat and transport of the army, which he did with the quiet shrewdness and completeness which distinguished his character.

The two regiments from home were cantoned at Alexandria, whither Braddock himself, and Admiral Keppel, the commander of the fleet which brought him over, repaired to meet the governors of several colonies whom they summoned to a council of war. Shirley and Washington, as we are told by the biographer of the latter, were thrown much together on this occasion, and formed a high opinion of one another's powers.

It was determined to attack the French at all points. Braddock himself undertook to drive the French from the Ohio; this would secure the west. Sir William Shirley was to march to the north-west

and attack Niagara. Johnson, a leader whose influence with the Indians far surpassed that of any other officer, was to go due north to Lake Champlain, and possess himself of Crown Point. Lawrence was to seize Nova Scotia. The enemy was then to be attacked on all parts of the frontier at once; a splendid plan, on paper, if only General Braddock had been the man to carry it out.

It was not easy to put the army in motion; nor, when it had fairly started, was there any lack of difficulty. "The general was disappointed, vexed, and thrown into paroxysms of ill-humour at not finding the horses and waggons which had been promised, and on which he depended for transporting his baggage-tents, provisions, and artillery." * It was only by the prompt exertion of the influence possessed by Franklin over the farmers of western New York and Pennsylvania, that he was at length enabled to proceed. The march of 130 miles was made through the wild solitudes of an American forest, as if the army was traversing a plain in Flanders. Precautions suggested by Washington were adopted as long as their author was himself present; but a fever prevented him from accompanying the latter part of the march of the army, and it was not till the eve of the battle of Monongahela that he was able to rejoin his chief.

The high lands to the north of the Monongahela river, which the army at length approached, prevented Braddock from marching in that direction; and when about fifteen miles from Fort du Quesne,

* Sparks' Life of Washington.

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the British forces were compelled to cross the stream twice, and march a part of the way along the southern bank. Five miles further on, the track left the river, and crossed a plain which sloped gently upwards for about half a mile, and then entered a rugged district, intersected with deep ravines, and covered with dense forest, that stretched from the height of land far beyond Du Quesne. "Washington was often heard to say during his lifetime, that the most beautiful spectacle he had ever beheld was the display of the British troops on this eventful morning. Every man was neatly dressed in full uniform; the soldiers were arranged in columns, and marched in exact order; the sun gleamed from their burnished arms; the river flowed tranquilly on their right, and the deep forest overshadowed them with solemn grandeur on their left.*" The advanced guard, in the highest spirits, entered the wood, while the remainder of the army were getting over the river. By two o'clock the last straggler had passed over the ford, and the whole army was in motion towards the crest, when a sudden rattling of musketry was heard from the woods. The general and his aide-de-camp rushed hastily forward; but before they could reach the woods the detachment was in confusion.

Accounts of the battle, which have been published by English or American authorities, are derived principally from men engaged in the combat. Surprised, surrounded, mowed down by an unseen enemy, striving in vain to stop a retreat that rapidly became a headlong rout, and changed a gallant army into a

* Sparks' Life of Washington, i. 65.

panic-stricken mob,—it is natural they should have a very imperfect knowledge of what was occurring around them, and that their accounts should magnify both the danger and the confusion. Scarcely an officer escaped death or wounds. Many, it was said, fell by the hands of their own men, as they struggled to escape from the deadly converging fire that was poured upon them from behind every rock and tree in the surrounding woods. An account, written by a French officer to his superior, tells in simple language into what sort of ambush Braddock's army fell. The despatch* has neither commencement nor signature, but is probably from M. du Quesne to M. de Vandreuil, or from the latter officer to M. de Machault.†

"M. de Contrecœur, captain of infantry, commandant of Fort du Quesne on the Ohio, having been informed that the English were taking up arms in Virginia for the purpose of coming to attack him, was advised shortly afterwards that they were on the march. He despatched scouts, who reported to him faithfully their progress. On the seventeenth instant he was advised that their army, consisting of three thousand regulars from Old England, were within six leagues of the fort.

"That officer employed the next day in making his arrangements: and on the ninth detached M. de Beaujeu, seconded by M. Dumas and De Lignery, all three captains, together with 4 lieutenants, 6

* The MS. in No. 189 in the Carton marked, "1755, Marine." Depôt-General de la Guerre, Paris.

† Successor to M. de Rouillé in the Colonial Depatment.

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ensigns, 20 cadets, and 400 soldiers, 100 Canadians, and 600 Indians, with orders to lie in ambush at a favourable spot which he had reconnoitred the previous evening.

"The detachment, before it could reach its place of destination, found itself in presence of the enemy, within three leagues of the fort. M. de Beaujeu, finding his ambush had failed, decided on an attack. This he made with so much vigour as to astonish the enemy, who were waiting for us in the best possible order; but their artillery, loaded with grape *à cartouche*, having opened its fire, our men gave way in turn. The Indians also frightened by the report of the cannon, rather than by any damage it could inflict, began to yield when M. de Beaujeu was killed.

"M. Dumas began to encourage his detachment: he ordered the officer in command of the Indians to spread themselves along the wings, so as to take the enemy in flank, whilst he, M. de Lignery, and other officers who led the French, were attacking them in front. This order was executed so promptly that the enemy, who were already shouting their 'Long live the King!' thought now only of defending themselves. The fight was obstinate on both sides, and success long doubtful; but the enemy at last gave way. Efforts were made in vain to introduce some sort of order; in their retreat the whoop of the Indians which echoed through the forest struck terror into the hearts of the entire enemy.

"The rout was complete. We remained in possession of the field with six brass twelves and sixes,

four howitzer-carriages of fifty, eleven small royal grenade mortars, all their ammunition, and generally their entire baggage. Some deserters who have come in since have told us that we had been engaged with only two thousand men, the remainder of the army being four leagues further off: these same deserters have informed us that the enemy were retreating to Virginia; and some scouts sent as far as the height of land have confirmed this by reporting that the thousand men who were not engaged had been equally panic-stricken, and abandoned both provisions and ammunition on the way. On this intelligence a detachment was despatched after them, which destroyed and burnt everything that could be found.

"The enemy have left more than a thousand men on the field of battle. They have lost a great part of the artillery and ammunitions, provisions, as also their general, whose name was Mr. Braddock, and almost all their officers. We have had three officers killed, two officers and two cadets wounded. Such a victory so entirely unexpected, seeing the inequality of forces, is the fruit of M. Dumas' experience, and of the activity and valour of the officers under his command."

The English general used every effort to rally the men, but in vain; the English regiments would not stand to be shot at by an unseen enemy, who were concealed behind bushes and rocks that shut in the entrance to deep ravines. The Virginian provincials, better accustomed to the Indian whoop, that sounded so terrific to the unaccustomed ears of the regulars, took to the trees after the recognized Indian fashion,

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and made a stand. But Braddock could not comprehend manœuvres which he attributed to craven unwillingness to advance; he persisted in unavailing efforts to make the men re-form according to the custom of civilized warfare. While thus occupied, he received his death-wound; with a fortitude which evinced, as one of his advocates had said, "that he, at least, knew how to die, though he could not reclaim a degenerated soldiery."

Nothing could exceed the astonishment and disgust with which the news of Braddock's defeat was received. The newspapers rang with abuse of all concerned in the action. The most contradictory rumours prevailed: some pretended to remember that the regiments engaged, the 44th and 48th, were the same who had run away at Preston Pans; some alleged that the slaughter among the officers was not made by the enemy but by the men; they affirmed that the officers, trying to stop the rout and to rally the men, ran some through the body, and that others of the fugitives, who expected the same fate, shot them with their pistols. On the other hand, it was said that the defeat was owing more to presumption and want of conduct in the officers than to the cowardice of the private soldiers; and that a retreat ought to have been resolved upon the moment they found themselves surprised by an ambush.*

1758 Long afterwards an expedition was sent to search for the relics of Braddock's army. The party consisted of a company of American sharpshooters under the command of Captain West, a brother of West the

* See the Gentleman's Magazine, August, 1755.

painter. The story is told in Galt's life of that artist. Several officers of the 42nd regiment accompanied the detachment; among them Major Sir Peter Halket, who had lost his father and brother in the fatal destruction of the army. The Indian guides regarded the expedition as a religious service, and guided the troops in profound silence. Far from the scene of disaster, the soldiers came upon skeletons lying across the trunks of fallen trees,—a mournful proof to their imagination that the men who sat there had died of hunger in the vain attempt to reach the settlements. Sometimes they found skulls and bones scattered about in such disorder as to make it plain that the corpses to which they belonged had been devoured by beasts. In other places they found ashes among the relics: here victims had been tortured and burnt at the war-stake by the Indians. Galt tells a romantic story of Sir Peter Halket discovering the body of his father, which he recognized by an artificial tooth!



The command in America now devolved on Sir William Shirley; reinforcements were thrown into Oswego, but Niagara was not attacked. Indeed, Shirley seems rather to have devoted his attention to the task of lessening the influence of Johnson with the Indian tribes than to the vigorous prosecution of the war. Johnson on his part collected together about three thousand provincials from New York, New England, and New Jersey, and marched cautiously on Crown Point.* Marshal Saxe had recommended Louis to send thither a general officer named

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* Conquest of Canada, ii. 48.

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Dieskau, who now commanded the French regulars, the Canadian militia and the Indian allies of France. They met on the high ground between Lake George and the Hudson. In the early morning of the 9th of November, the provincials were attacked by the French and gave way. They were saved from destruction only by the assistance of the Mohawk Indians, who bitterly complained that they had been sacrificed to the cowardice of their allies. The fugitives were pursued to their camp, which was surrounded by a breastwork of trees, and defended by cannon. The numbers on both sides were nearly equal. Once behind their defences their courage was restored. In vain the grenadiers of France came again and again to the attack; their officers were killed; the Canadians and Indians gave way; the regulars were repulsed with considerable slaughter; Dieskau himself fell into the hands of his captors, mortally wounded. The defeated general wrote to M. de Vaudreuil with the simplicity of a man whose affairs on earth are done:—

"SIR,—I am defeated; my detachment is routed. A number of men are killed, and thirty or forty are prisoners, as I am told. I and M. Bunies, my aide-de-camp, are among the latter. I have received for my share four gunshot wounds, one of which is mortal. I owe this misfortune to the treachery of the Iroquois."*

Johnson was unable to reap the advantage of his

* M. Dieskau to the Marquis de Vaudreuil. New York Col. MSS., x. 318.

victory. His Mohawk allies, in spite of all remonstrance, retired to their own country to mourn for the warriors whom they had lost. The provincials, like the feudal levies of the Middle Ages, melted away, for there was no law by which they could be compelled to remain. They were replaced by many whom the love of adventure attracted to Johnson's standard; but the improvidence of the colonial legislatures, who had no certain rule of action and no unity of council, left them badly supplied with provisions or ammunition.

It was now more than ever necessary for the colonies cordially to unite in every province; the governors exerted themselves to the utmost, but with no other effect than to embroil themselves still further with their local legislatures. The New Englanders were especially hard to deal with. There had been a contest of long continuance in New Hampshire, whether the crown or the local legislature had a right to nominate representatives to the assembly.* English lawyers insisted that this power belonged to the prerogative; but they were unable to point out how the right could be enforced. The assembly never met without refusing admission to the crown nominees, and the governor as constantly dissolved them. Wearied with repeated dissolutions, the assembly at length yielded; but the strife had produced such bitterness of feeling that they threw obstructions in the governor's way, which brought public business almost to a stand-still. Events soon occurred which showed to what an extent these quarrels had weak-

* See and compare Bancroft, iii. 24.

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ened the administration of justice: two Canadian Indians were murdered on the frontier; the offenders long lay concealed, and when at length apprehended they were rescued by an armed party of their friends. The St. Francis Indians retaliated, and a bloody frontier warfare ensued, in the midst of which the convention of Albany was called.

The men of New Hampshire had received too recent and severe a lesson of the danger in which they stood from the French to refuse to entertain the question how danger might best be averted. They said, in answer to the king's recommendations, that they should always be ready to aid their neighbours; but in sending their delegates to the congress, they took care to settle in their own favour the point which had been so long in dispute. They refused any pay to their delegates, which of course was tantamount to a refusal to send any, unless the local legislature were permitted to nominate them without the intervention of the crown. Wentworth wrote in despair to the Board of Trade.* "In most of the northern colonies they esteem the king's instructions and prerogative as burdensome and useless, and take every opportunity to force acts contrary to both." The New Hampshire delegates, animated like the other northern colonies with intense hatred and dread of French enroachment, sent three hundred and fifty men to take part in the expedition to Crown Point, where they shared in the honour of Dieskau's defeat. The costs of their contingent were defrayed out of the parliamentary subsidy granted for the expenses of the expedition.

* October, 1754.

During the whole course of the French war, the conduct of New Hampshire was marked by the same indifference to all orders received from home. A small subsidy, voted in aid of their own defence, was purposely so clogged by invasions of the prerogative that the governor had no choice but either to refuse the royal assent to the bill, and thus lose a supply which was absolutely necessary to the conduct of the war, or else accept it as it stood and see the royal authority taken away piecemeal. In vain the governor remonstrated: the delegates "formally denied any intention to encroach on the royal prerogative, and pleaded precedent for every innovation." Soon after, an act was passed by the Imperial Legislature prohibiting the export of provisions and stores to the enemy. When this act was laid before the assembly, they revived an act of their own which they had passed some years before, setting aside the provisions of the English Act. The governor remonstrated; they returned no reply to his message.* On a similar occasion, two years later, the delegates remarked that "such measures have been practised for some time, and if they had done wrong, some public notice would have been taken of their practice; and till there is, they see no cause to change their proceedings." It was impossible for a governor to do anything with an assembly of such temper. At the very time when the New England men were invading the royal prerogative, insisting on being allowed to traffic with the enemy, clogging money votes, which were to pay the provincial levies, with insulting and unacceptable pro-

* Chalmers, ii. 300.

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visions, a British army paid by British taxes was fighting for the lives and liberties of those who took so ungrateful an advantage of their defenders. The governor's attempts at carrying on hostilities, were made, as he declared, "at the expense of suffering the prerogative of the Crown to be treated with contempt, of seeing his commission and instructions rendered useless, as the members of both houses are all become commonwealth men."* The governor was reduced to the position of a mere correspondent of the ministry. The war was conducted by committees of the assembly.

Massachusetts was not at first so difficult to deal with. During the absence of Governor Shirley in
1749-52 Paris, the government was administered by Phipps, the lieutenant-governor, a native of the province, who did not interfere in any way with the action of the assembly, and kept the home government in complete ignorance of the course of affairs within the province. Shirley tore himself unwillingly away from the gaieties of Paris, and reached Boston in 1753. He found Massachusetts in a state of great alarm at the conduct of the French on the Ohio, and took advantage of the state of public feeling to induce the colony to put itself in a posture of defence. Delegates were sent to the Congress of Albany, and supplies voted which enabled the governor to raise the necessary fortifications; the assembly then transmitted an address to the king thanking him for his bounty of ordnance stores, and begging for further assistance, "as they were so much reduced as to be less

* Chalmers, ii. 300.

able to defend themselves against extraordinary encroachments." After Braddock's defeat, Massachusetts sent a body of eight hundred men into the field, for which they were immediately repaid by the English Parliament. In subsequent campaigns they did not exhibit the same activity; they refused to take any part at all until they received money from England to pay their troops, and even then they insisted that their forces should move only under the orders of a general appointed by themselves. It was but natural that such an arrangement should have no good result; they sent five thousand men to the borders of Lake St. George, but their general refused at the critical moment to make any junction with British troops.

Chalmers says, "It was the supreme delight of New England to send armaments to conquer under her own banners and direction, and to receive from Britain a reimbursement of the charge." The recall of Shirley, and the death of Phipps, in 1757, threw the management of affairs in Massachusetts, under the provisions of the charter of William III., into the hands of the council. Under that body, the whole machinery of government was allowed to fall into decay. When at length a new governor, named Pownall, was sent from England to assume the command, he wrote in despair "that there had been no government at all for some time, but everything in confusion, and the militia absolutely ruined, as there was neither form nor law to direct it." Several difficulties arose, which were not of vital importance; amongst others, a dispute as to whether the English mutiny law extended to the plantations. This question

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involved the right of Lord Loudoun to send a Highland battalion which had been despatched to the aid of New England, into winter quarters at Boston; Loudoun prudently avoided the dispute, which seemed likely to become serious, by counter-ordering the march of his troops; a more serious quarrel soon arose. The delegates claimed an exclusive jurisdiction, not only over the granting of money, but also over its application; from voting the number of troops they began to assume the right of deciding on their destination, and directing their operations. They assumed the power of sending field commissioners with their armies after the fashion of the Dutch. It was convenient not to remember that the expenditure of money upon which they based this absurd assumption, was invariably repaid with interest by the mother country; the money voted by the colonists was but a loan, and a loan which was expended for the benefit of the lenders; even had it been a free grant, Massachusetts could not with propriety claim the right of absolutely independent action, without first declaring her connection with England at an end. The governor remonstrated in vain; he laid before the assembly resolutions of the Imperial Parliament, with regard to similar pretensions in Jamaica, but they returned no answer. In this dilemma he thought it best to comply with irregularities, which had been indulged by his predecessor, and asked for further instructions. The Board of Trade wrote in November 1758, that, "however dangerous these proceedings are, it is not perhaps advisable, in the present situation of things, to attempt an effectual remedy; though it is hoped when the

time will admit of it, all but designing men will unite in restoring the constitution to its true principles." The fact was that Pownall and the Board of Trade were equally powerless to contend against the systematic encroachment: Pownall found that he must, like his predecessors, bend before the assembly or cease altogether to rule. The commander-in-chief concerted in a congress of governors the plan of his campaign, and the apportionment of quotas. It was entirely beyond his power to convince the assemblies of the feasibility of the one or the equity of the other. The delegates advanced nothing but difficulties. They disputed the general's plans; they refused the quota of men they were called on to furnish; they disapproved of being brigaded with the regular troops. In vain the general argued, explained, persuaded. The difficulty was at length got over by a despatch from Mr. Pitt, which was communicated to the general court under an oath of secresy. Chalmers, who narrates the fact, does not say what were the contents of the despatch, which produced such magical results, but all became easy and plain sailing. The representatives voted seven thousand men; there could, of course, be no difficulty in raising such a force in a colony which numbered forty-six thousand persons capable of bearing arms; Pownall was empowered, in case he found it less easy than he expected to make up the contingent, to resort to the press-gang. So great was the effect of Mr. Pitt's despatch that the delegates receded from their recent pretensions of directing military operations and passing accounts; nor did the committees of

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war any more take the field with the army. Although we are not informed of the exact contents of this remarkable despatch of Mr. Pitt, we can hardly be wrong in surmising that it contained some allusion to the very liberal parliamentary grant which was immediately afterwards announced. The amount granted was sufficient, even when diminished by the depredations of a host of contractors and agents, to reimburse the expenses of the colony, and enable them to offer a handsome bounty for volunteers. The delegates even consented to retain the troops on half pay during the winter, and to gratify the commander-in-chief by providing for the reception of the king's troops. They were, however, careful to couple this last concession with a declaration that the Mutiny Act did not extend to the colonies, and that
1759 quarters for the soldiers could not be demanded as a right. In 1760, the delegates again came forward in hearty support of the war: they had begun to feel some confidence in the certainty of repayment, for whatever sacrifices they might make. Without waiting for the king's promise of recompense, they provided for the support of the garrison of provincials left at Louisburg, and for a further force of five hundred men. Of all the colonies Massachusetts was the first which discovered the intentions of the French, and remonstrated against their aggressions; of all the colonies, they most zealously promoted measures of union for common defence, and made the greatest exertions in furtherance of their views.

When these facts are taken into consideration, the reverse of the medal becomes by contrast only more

striking: this colony, so high-spirited, so warlike, and apparently so loyal, would never move hand or foot in her own defence until certain of repayment by the mother country. The assembly was ever on the watch to weaken the power of the governor and bring the royal authority into contempt. It was not pretended that the instructions given to the king's representative were unreasonable or illegal; but instructions to the governor of any kind were considered by the assembly as shackles which it was their interest and their pleasure to break. When two courses of action were open to them, it was sufficient for the governor to advocate one to obtain its immediate rejection. Almost the last act in Pownall's administration was a quarrel with the assembly on a question of the royal prerogative; he had a general instruction not to give the royal assent to any law of an extraordinary nature, until the pleasure of the king were known upon it. A similar clause now exists in the instructions of the governors who now administer responsible government in our colonies. The Massachusetts assembly took offence at this very reasonable provision, and a correspondence ensued, in which the Board of Trade entered fully into the merits of the question, and disposed of it with great weight of argument and propriety of language. They wrote to Pownall that the objection proceeded "upon a total misapprehension of the king's instructions, which are not directory to the representatives with regard to the manner of framing their bills, but to you only, as to the mode in which you are to apply that assent or negative which by the constitution is

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invested in you." Before the quarrel was concluded, Pownall, whose mode of life by no means accorded with the strict morals of the New Englanders, was recalled, and the "unpleasant task of reformation," says Chalmers,* "which has seldom been attempted in any country without convulsion, or among a sullen people without revolt," was left to his successor.

The disorder which existed in the affairs of other colonies after the Treaty of Aix-la-Chapelle was as nothing to that which distracted New York; the governor, Clinton, at first endeavoured to persuade the assembly to relinquish encroachments on the prerogative which they had made during the war; he, however, soon found how hopeless was the task he had undertaken. The Board of Trade did not and could not support his authority; there was no power in America to which he could appeal for assistance. In despair he thought of relinquishing a charge which he could not maintain with honour. He wrote to the Board of Trade that he had "yearly for these five years represented to the Secretary of State the encroachments which the assembly have made on the prerogative, and their persisting in their disregard of the king's instructions without having received any directions." A new governor, Sir Danvers Osborne, was at length sent to relieve Clinton in his untenable situation. The ministers at home had often been warned that in the action of the Imperial Parliament alone was to be found a remedy for the disorders which existed. This action, though often recommended by the wisest statesmen, the cabinet of that

* Vol. ii. 313.

day had resolved never to adopt. The new governor was ordered to signify to the assembly in the most solemn manner the king's high displeasure at their contempt of his commission. But the assembly had long been accustomed to deride and disregard the royal instructions: the very terms of the announcement in which Osborne was instructed to convey the king's displeasure, showed how absolutely useless words must be in such a condition of affairs. The message recited that "government had been subverted, justice obstructed, the prerogative usurped; that the delegates, forgetful of their allegiance, had not only refused to comply with the governor's commission, but in violation thereof have assumed the disposal of money, the nomination of public officers, and the direction of the militia." Osborne was desired to charge them to recede from their unjustifiable encroachments; he was to ask for a permanent revenue, and to remove every counsellor who should again concur with the delegates in their unwarrantable measures.

It requires little reflection to see that if the accusations contained in this indictment were true, the men who had been bold enough to encroach so far on the royal prerogative would hardly return to obedience, only because they were again summoned by the power they had so long defied. It was hardly encouraging for the new governor to hear that the universal rejoicings which he witnessed on his arrival were not intended in his honour, but in delight at the departure of his predecessor; and the first act of his government—the reading of the royal instructions—

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very nearly created a revolt. The assembly loudly protested that the Board of Trade had been abused by groundless imputations against a loyal people: they attributed all the late disturbances to the maladministration of Governor Clinton, and denied that there had been any conflict between the crown and the legislature. They next proceeded to prove the loyalty they asserted by refusing all the concessions which Osborne was instructed to demand. On receiving intelligence of this, the Board of Trade laid the case before the king.* They said that the facts upon which the obnoxious instructions had been based were verified by the most incontestable evidence. The journals of the assembly proved that faction and animosity had prevailed in the legislature; the laws passed by them demonstrated that the delegates had not only taken upon themselves the disposal of public money, but the nomination of officers, the custody of military stores, and the direction of troops.

French encroachments on the Ohio, an invasion by the Canadian Indians, and the general alarm which was in consequence felt throughout the colonies, compelled Sir Danvers Osborne to convene an assembly in 1754, and ask for supplies. Delegates were still in the same temper which they had shown on his first arrival; they voted a small subsidy in aid of the war, but they insisted, as the Massachusetts men had done, upon retaining in their own hands the administration of funds voted. The grant was thus rendered utterly useless; it was impossible for the commander-in-chief to communicate every detail of

* Board of Trade to the King. April, 1754.

his plans to a large and unwarlike assembly, and equally impossible to allow them to decide upon the destination of their contingent, and the operations it was expected to undertake. The delegates still further committed themselves by volunteering a declaration that in their opinion the building of forts on the Ohio did not constitute invasion of British territory on the part of the French. The subsidy, on the terms proposed by the delegates was refused, and as neither party would give way, the assembly was prorogued; but as the war proceeded, the crown found it necessary to recede from demands which it had no means of enforcing. The immediate exigencies of the public service rendered it expedient to accept subsidies on whatever terms they might be granted. The assembly became at once energetic and liberal; before the capture of Quebec they had voted more than 430,000*l.*, which was, however, as in all other instances, more than repaid by the Imperial Parliament: their contingents took part in Braddock's disastrous expedition, and shared in the honours of Johnson's defeat of Dieskau. But they had used the necessities of the state as a pretext for wresting almost all the executive authority of government out of the hands of the king's representative. They appointed paymasters, and sent their field commissioners to accompany every march of the army: it was with great difficulty that they were induced to maintain the law against supplying arms and munitions of war to the enemy, or to permit the royal troops who had so bravely maintained their borders to be quartered during the winter in their towns.

A course similar to that pursued by the other New

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England States was adopted by New Jersey. At first the New Jersey men affected to consider themselves as little interested in the result, but at length they were induced to furnish a contingent of one regiment, which they kept on foot till the termination of the war: they prohibited the export of warlike stores, and provided for the subsistence of the king's troops in their march through the colony; they, however, insisted on defraying the cost of these undertakings by issuing paper money, against the express command of the English Parliament, and they ordered their contribution to be paid to commissioners appointed by themselves. The governor was obliged to pass the bill in which these provisions occurred, "though it was very faulty, as the five hundred men would otherwise be lost."

During the whole war New Jersey had to provide for defence against the Indians who hovered on the frontier, ever ready to attack a defenceless settlement, or to burn down an isolated farmhouse; for this purpose a strong frontier guard was kept up, composed of scouts and "Indian fighters," to whom an adventurous life of skirmish and ambush became almost a second nature. This defensive measure, though dictated by the simplest rules of self-preservation, was loudly insisted on by the assembly as a work of merit and a proof of loyalty, on the strength of which they demanded the royal assent to a second and larger issue of paper money. The liberality of Pitt, who lavished subsidies on all the provinces, and defrayed the expenses of any armaments which they would consent to raise, kept up their contingent, and averted

for a time the struggle which the conduct of the delegates constantly tended to provoke. CHAPTER VIII.

It was soon after the appointment of Hamilton to be governor of Pennsylvania that the French, under Celéron, invaded the western part of the state, and 1749
expelled the Philadelphian traders of the Ohio Company. The inroad of a foreign enemy, instead of uniting all parties for self-preservation, only produced a long quarrel between the proprietaries and the people, each of whom declared that the cost of the colony ought by right to fall upon the other. On the commencement of actual hostilities, the governor recommended the assembly to provide for their own defence: the delegates immediately passed a bill for raising paper money, but experience had shown that every issue of paper money was followed by depreciation of the currency so serious as to affect very materially the security of property, and positive instructions were sent to the governors of each province not to give the royal assent to any bill for this object. Hamilton was therefore compelled to disallow it. In vain did he send to the assembly, first, a letter from the French general on the frontiers avowing his designs, then a despatch from the Secretary of State, ordering that force should be opposed to force, and a missive from the Board of Trade representing the importance of sending commissioners to the Congress at Albany. The only answer made to the repeated communications of the governor was to send back the Paper-money Bill, which he had already been compelled to reject. Meanwhile the French carried their threats into execution; they expelled the Virginians

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from their fort on the Mononghela; again the governor laid before the Pennsylvanian assembly the fact that actual hostilities were taking place on their frontiers: the delegates sent back, as the only condition of their taking any part in their own defence, the often rejected Paper-money Bill. The governor, thus pressed by absolute necessity, gave way: he consented to the issuing of paper bills, but shortened the time for which they were to run. The amendment was instantly rejected by the delegates, who claimed exclusive jurisdiction over the property of the people. After Washington's defeat, and the flight of the friendly Indians, Hamilton was induced by the clamour of frontier settlers again to convene the delegates, who at once sent him the old Paper-money Bill. After consultation with the Attorney-General, who advised him that he could not consistently with his commission give it the royal assent, the governor dissolved the assembly, and sent a complete statement of the circumstances to the Board of Trade, "that the king might form a judgment on the sincerity of their zeal, as they made ample professions of their loyalty."

Weary with contending in vain against the colonists, Hamilton at last resigned his post: he was replaced by a man named Morris, a native of the colony, who was supposed to know the state of feeling in Pennsylvania, and to have some chance of persuading them. The new governor was received with coldness by the people, who affected to disbelieve the validity of his commission, and it was not till December that he ventured to meet his assembly.

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Morris laid before them a statement of the progress of the French, declared that if the colonies maintained their indifference, they would infallibly be ruined, and exhorted them to make some effort to save their country from destruction. With curious pertinacity they adopted in reply the old expedient of a Paper-money Bill. It was in vain that Morris reminded them of his positive instructions, and hoped in conciliatory language that they would not press him to disobey them; the delegates were only animated to insist more strongly than ever on their favourite measure. The dispute soon degenerated into acrimony and altercation. The delegates determined to appeal to the king; and stated that the orders of the proprietary were the only reason which prevented them from raising money for his Majesty's service. The Board of Trade was instructed to investigate the complaint and to hear counsel on behalf of the province. After patient investigation, the grievances alleged by the colonists and the expressions of loyalty with which they marked their demands, were pronounced equally groundless, and the king was advised to reject their loyal address. The arrival of Braddock in America induced Morris once more to convene the assembly in 1755. The delegates sent him in silent contempt a copy of the often rejected Paper-money Bill. It was again refused; but the danger had now become so imminent that both parties were fain to seek some mode of evading the settlement of a dispute which one party would not, and the other could not terminate by concession. The assembly, therefore, determined to grant a small

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sum to Braddock for the uses of the campaign, and a larger sum to Massachusetts, to enable her to send her troops against Crown Point; the peculiar perversity of the assembly was strongly marked by granting the smaller sum to the army which was to drive the foe from their own borders. They further evaded the long-vexed question of a Paper-money Bill, by providing that the sum voted should be defrayed by bills of credit drawn without the sanction of the legislature, and consequently not requiring the royal assent. Morris expostulated with the representatives in terms which show that both parties were now fully aware of the designs of the other. "Your offering money," said he, "in a way which you knew I could not, consistent with my duty consent to, can only be regarded as trifling with the king's demands, and as a refusal to give. The whole of your conduct must convince the world that your resolutions have been, and are, to take advantage of your country's danger to aggrandize and render permanent your own authority and to destroy that of the crown; and besides this unconstitutional purpose, it can only be considered as a means to promote your scheme of future independence that you are grasping at the disposal of all public money; the power of filling all offices of government, especially those of revenue, that you refuse to grant the necessary supplies, unless you can at the same time encroach on the rights of the crown and increase your own influence, already too great for a dependent government, so distant from the principal seat of power." After Braddock's defeat the inhabitants of

Philadelphia presented a remonstrance to the assembly, urging them to grant considerable supplies, and offering to contribute their proportion of 100,000*l.* Individuals applied for arms to defend their homes and families; the governor, in the name of the proprietaries, made liberal offers of lands on the frontiers to those who would settle on and defend them. So great was the excitement that the assembly were compelled to change their plan of operations. They granted 50,000*l.* of their currency by a tax on real and personal estates, not excepting those of the proprietary. The unfortunate governor again found himself in a position in which he was compelled to withhold his assent from an innovation. It was in vain that a few gentlemen of Philadelphia offered to pay the sum in dispute, which amounted only to about 500*l.*; the delegates declared that they wanted to form a precedent rather than to raise the money.



The assembly concluded their session by resolving to raise 10,000*l.* by subscription in order to supply the troops on the borders of New York with necessaries; but they separated without taking any action for the defence of their own frontier. It was impossible that the force of obstinacy could go further; the border inhabitants, exposed without defence to the cruelties of savage warfare, sent a remonstrance couched in language which commanded attention. During this extremity of apprehension the delegates once more presented to the governor a Paper-money Bill framed on the same model as before; it was again rejected. The matter had now gone

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too far for the inhabitants to look on unmoved. The mayor and inhabitants of Philadelphia, fearing the near approach of the enemy, proceeded to the House of Assembly, and demanded, in tones which it was impossible to mistake, the defence of their lives and properties. Many of the Quakers assured the assembly of their ability and readiness to defend themselves; and the proprietaries, to avoid the danger of the precedent which the delegates were so anxious to establish, offered a liberal contribution. The assembly gave way, contenting themselves with a resolution that "although it was the right of freemen, not only to petition but even to advise their representatives, their application ought to be respectful, pertinent, and true." This rebuke did not prevent the principal inhabitants of Pennsylvania from presenting a petition to the king, in which they described the defenceless state of the province, and prayed for relief. The Board of Trade were commissioned to hear counsel on the question, whether every people who are attacked by a cruel enemy are not bound to defend themselves. The arguments adduced were convincing; the board decided that the Pennsylvanians were no more exempted than any other community, though they pleaded that the proprietary was obliged by his charter to defend the province. The Board added, that they could see no remedy for the evils so justly complained of, unless by the interposition of parliament as had been formerly advised.

1756 A soldier of some ability named Dennis was soon after sent to relieve Morris from his uneasy seat. Affairs progressed more smoothly under his administration,

for the assembly hit upon the plan of administering to the pecuniary wants of the needy officer, as often as he stretched a point to pass a bill a little beyond his instructions. "To such a pitch of profligacy did they carry this fraudulent traffic that a distinct sum was given to Dennis for each breach of trust as he passed every Bill." *

Maryland, after some little delay, voted in 1753 a sum of money which was to be raised by a variety of taxes, excises, stamps, and a land tax which included the proprietary's manors. The assembly desired that the amount they had subscribed should be expended in building fortifications, in engaging the aid of the southern tribes, in giving bounties for Indian scalps, in carrying out any expedition which might be concerted with other provinces, and in raising a regiment of 200 men. The Marylanders soon afterwards raised their regiment to 500 men, whom they placed under the command of an able officer, named Dagworthy. The conduct of the Maryland regiment was so good, and its assistance was so useful in driving the French from their encroachments, that it was received into the king's service and pay as the "Royal Americans." The conquest of Fort du 1758
Quesne, and the peace which was made with the Indians, freed the borders of Maryland from danger; after this they could not be induced to do anything further in support of the war.

While the French were pressing on the borders of 1753
Virginia, the House of Burgesses voted 10,000*l.* to repel their hostile attempts. But like other colonies,

* Chalmers, ii. 342.

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the Virginians so clogged their gift with unreasonable encroachments on the prerogative, that it was necessity alone that compelled Governor Dinwiddie to accept it. The burgesses had for some time been engaged in altercations with Dinwiddie, about the system of granting wild lands: they were glad to make this disagreement an excuse, to avoid attending the congress at Albany, or contributing anything to the common defence. It was only a small party of the most loyal inhabitants who welcomed General Braddock when he came among them to assume the command; by far the larger number held sullenly aloof, and reaped a rich harvest from the necessities of the army which had been sent for their defence. The general complained bitterly of the unworthy advantage which was taken of his position, and of the want of support which he received from the Virginians. His defeat produced a universal feeling of alarm, and for a moment the Virginians seemed inclined to do their duty: the danger which had often been foretold now seemed to be coming upon them; for two days after the battle, every shanty along the track which led to the Ohio was crowded with fugitives, who spread among the scattered population exaggerated accounts of the disaster. The governor dexterously took advantage of the general panic, to obtain from the representatives authority to raise a thousand men for service against the enemy; but as the sense of fear wore off, the short-lived military ardour of the people subsided. It was found impossible to raise the quota of men that had been voted, and when Dinwiddie next found it necessary to call

an assembly, the members had fully resumed their accustomed temper. An attempt was made to issue 200,000*l.* in paper bills, without establishing any foundation for them. This Dinwiddie, like the governors of Maryland and Pennsylvania, was obliged to resist; he dismissed the assembly, and his report to the Board of Trade drew from that body an observation, which must by that time have become familiar to their pen, that "they were surprised to find that the burgesses should have availed themselves of a time of distress, to force on the governor a departure from the royal instructions." The Virginians, though they evinced no readiness to bear their fair share of the expense incurred for their defence, had no hesitation in claiming parliamentary reimbursements for sacrifices already made. They pretended that nearly 150,000*l.* had been expended in the contest before January, 1757; but "in what manner those supplies had been applied did not appear, inasmuch as they had been put into the hands of committees who were accountable only to the assembly."* The extent of their irregularity may easily be imagined, when the nature of the Virginian system of disbursement is taken into consideration. The burgesses had some years before insisted on appointing a treasurer of their own, through whose hands passed all moneys voted by the assembly. Robinson, the speaker of the assembly, was in 1738 appointed treasurer, and rapidly arrogated all the real power of the province to himself: his plan of operations was simple; he lent the public money to

* Chalmers, ii. 353.

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the poorer delegates, on condition of being supported by their votes; he thus obtained such preponderating influence, that Dinwiddie ruled only on ordinary occasions, while Robinson acted as dictator in emergencies. Worn out with vexation and age, Dinwiddie at length retired; he was succeeded by a man named Fanquier, possessed of little courage or capacity, and who was only too happy to buy peace with his assembly by entering into an arrangement with Robinson.

A large quantity of paper money was soon put into circulation; British merchants, who bore the main burden of the war, were thus loaded with an additional tax of the most oppressive kind; for the currency became depreciated to an extent which rendered it almost impossible for them to obtain payment of their debts. The province was enabled by the increase of its paper currency, to set on foot two regiments, which rendered good service till the burgesses in a fit of ill-humour recalled them from the field.

It is not easy to understand why the burgesses who had, through the connivance of Governor Fanquier, the golden opportunity of voting supplies in paper, and being repaid in sterling money, did not more largely avail themselves of the privilege. It would seem that the temptation of asserting independence of action at a time when it was most inconvenient to the mother-country, and most difficult to resent it, overmastered all other considerations. The supply of the war was not the only question upon which Virginia seized the opportunity of quarrelling

with the home government. It has been already stated, that at a former time the king's right of advowson had been transferred to the vestries; at the time when this was done, a law had been passed by the assembly and assented to by the crown, providing for the maintenance of the clergy; every minister was entitled to a stipend consisting of a certain weight of tobacco; the amount of the stipend thus fluctuated with the price of tobacco. The burgesses now determined to pass another law, declaring that the stipend should be paid at the fixed rate of twopence for every pound; the governor was appealed to in vain; the clergy sent home a memorial to the king. The act was in the opinion of the best lawyers clearly illegal, inasmuch as it interfered with the freehold rights of a large class of citizens. The Board of Trade in much perplexity applied to Bishop Sherlock for advice. "It is surely high time," wrote the Bishop in answer,* "to look about us, considering the several steps lately taken in diminution of the influence of the crown, and the great change which manifestly appears in the tempers of the people: though if the crown does not or cannot support itself in so plain a case, it would be in vain for them to plead the act confirmed by the king, since their rights and the royal authority must stand or fall together."

North and South Carolina acted in like manner to Virginia. There was the same unwillingness to help, the same panic after the defeat of Braddock,

* Bishop Sherlock to the Board of Trade. June, 1759.

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the same insistence on encumbering the small supplies ultimately granted with bills for the raising of paper money. To recount it, however shortly, is unnecessary, since the events which then occurred have no other importance than as an indication of the temper of the colonies at that time.

# CHAPTER IX.

## CONQUEST OF CANADA.

[1757–1763.]

Accession of William Pitt to Power—Capture of Louisburg—State of Society in Canada before the Conquest—Capture of Quebec—Effect of the Conquest of Quebec on the English Colonies.



AT the time of the battle of Monongahela, affairs in Europe were in a very anomalous position. England and France, though nominally at peace, were employed in all parts of the globe in murdering one another. The conduct of English affairs was about to pass from the feeble hands of the Duke of Newcastle into the firm grasp of William Pitt, who had up to that time occupied a subordinate post in the ministry. Braddock was killed in July; in November, the House of Commons met in a state of extreme excitement. Pitt led the Opposition, which was countenanced by the Prince of Wales; and before long, it became evident that Pitt alone could manage the House of Commons and the country. The aggressions of the French in America were punished by enterprises conducted on the element over which England enjoyed undisputed supremacy. The ministry ordered that French vessels should be made prizes wherever they might be found; and the French, unable to reta-

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liate by sea, determined upon invading the Hanoverian dominions of the King of England. As soon as this resolve was made manifest, both nations became sensible of the necessity of new alliances. Spain, Portugal, and the United Provinces, determined to remain neutral; but the Emperors of Austria and of Russia, who were disposed to look with great indignation on the acquisition of Silesia by Frederick of Prussia, concluded an alliance with Louis XV., and thereby ranged the King of Prussia on the side of England. War was declared between these combatants in May, 1756: its opening scenes were fraught with disgrace and disaster, which added fuel to the anger of the English people. All parts of the kingdom were in a state of furious excitement; speeches, lampoons, caricatures, and pamphlets, represented England as betrayed and undone by the cowardice of her leaders and the imbecility of her statesmen. All parties looked to Pitt, whose lofty character and imperious temper inspired every one with confidence. But Pitt at first would neither serve with Newcastle nor with Fox; and it was only after a short trial of strength, during which he held power for five months in conjunction with the Duke of Devonshire, that he consented at last to form an alliance with the Duke of
1757 Newcastle. Pitt took the lead in the House of Commons, and the whole management of the war and of foreign affairs; the duke was left in undisturbed possession of the power which he most loved, that of buying votes with the secret-service money. A new spirit was at once infused into the war. But a few months ago the English people believe themselves

to be, as their party pamphleteers tried hard to persuade them they were, a degraded and degenerate race, doomed to be conquered and enslaved; now the vigour of Pitt's mind pervaded every department of the administration: his splendid disregard of all mere economical considerations seemed to be contagious. He persuaded the House of Commons to lavish sums upon armaments of every description, far larger than any former minister had ever ventured to demand. The first acts of his administration were, nevertheless, ill-judged. Expeditions were sent against different parts of the French coast, at enormous cost and with very indifferent success. The island of Aix was taken; Rochfort threatened; the harbour of St. Malo attacked; and a few guns captured at Cherbourg; but these proceedings had no effect on the war beyond that of exasperating the French; they were described by the wits at home as schemes to break windows with guineas. A more serious disaster occurred to the Duke of Cumberland, who allowed himself, with 38,000 Hanoverians, to be taken at a disadvantage by the Duke of Richelieu, and to be so pent in between the Weser and the Elbe that he had to capitulate with his whole army. But measures of a very different character were soon set on foot. By the advice, it is said, of Franklin, the French were attacked in America; the colonies were invited to help, and were promised that if they would find men, the British Government would find money, arms, ammunition, and rewards. Three expeditions were set in motion. Generals Amherst and Wolfe were to join the fleet under Boscawen, and take

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Louisburg; General Forbes was to undertake the conquest of the Ohio valley, where the unfortunate Braddock had already failed; and General Abercrombie was appointed to the chief command, with orders to throw a heavy force on Ticonderoga and Crown Point.

1758 On the 19th of February, a magnificent armament left Portsmouth for the Acadian peninsula. Amherst was so long delayed by contrary winds, that he did not reach Halifax till the 28th of May, when he found Boscawen's fleet actually under way for Louisburg. Wolfe, on arriving off the French fortress, immediately commenced reconnoitring the beach for a landing-place, but for some days the surf was so high, that it was impossible to effect a descent on the shore. The French had thrown up batteries at every point where a debarkation seemed possible, and these works were connected by abbatis of fallen trees along the beach. It was not till the 8th of June that the troops, under cover of the fire from the fleet, attempted to disembark. Wolfe led the first division, and on coming into shoal water, leaped into the sea, waded, at the head of his men, through the surf, crawled up the beach under a murderous fire of the French, drove in the enemy from their breastworks, and invested the fortress. In three weeks from the successful landing, Louisburg was a heap of ruins, and the Chevalier de Drucour, with his garrison of 5,630 men, were prisoners of war, on their way to England. The harbour of Louisburg still offers shelter from the storms which often sweep over that inhospitable coast; but a few hovels only mark the place which

was erected at such cost, and conquered by so much heroism. The captured standards were borne in triumph through London and deposited in St. Paul's, amidst the roar of guns and kettle-drums and the shouts of assembled multitudes. Addresses of congratulation came in from all parts of England; parliament decreed thanks and monuments, and bestowed, without reluctance, still larger supplies than before.

The brilliancy of the victory caused the disaster which befel another part of the combined expedition to be forgotten. Abercromby was defeated, with great disgrace, at Ticonderoga, and various detached parties were cut off by the French; but Fort Frontenac was taken by an officer named Bradstreet, who, after leaving a garrison in the stockade, returned to Abercromby, whom he found wasting his time in fortifying his position on Lake Champlain. Forbes, who ought to have made the best of his way to Fort du Quesne, loitered till the season was almost too far advanced to proceed; but Washington, with a brigade of provincials, hurried forward and, after an insignificant resistance, drove out the garrison. The French, at the moment of retiring, fired the place, and left Washington in possession of the key of the West. The dismantled fortress was unanimously called Pittsburg by the conquerors. "As long," says Mr. Bancroft,* "as the English tongue shall be the language of freedom in the valley traversed by the Monongahela and the Ohio, his name shall stand inscribed on the gateway of the west."

* American Revolution, i. 358.

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The power of France in America was now near its downfall. French policy had dwarfed the proportions of what, under another system, might have been a vigorous nation. Military rank was limited to the favourites of the powers at home; commercial enterprise was barred by monopoly; territorial possessions were unattainable except by those nobly born. The high-spirited, the adventurous, and the ambitious had no resource but to sit and chafe idly at the restrictions which surrounded them, or to wander away to the Far West to seek adventures among the distant savages.

At first, after the defeat of Braddock, the hopes of the French were high. The subordinate officers in Canada, especially, considered that all danger was at an end; that the English were beaten and dispirited, and that the French would have an easy victory. One of the frontier missionaries writing to his brother, when the news of Dieskau's capture had reached Canada, says:—"Some Micmac Indians in Acadia seized an English schooner on her way from Boston, loaded with provisions and clothing, for Port Royal; in that vessel were found a quantity of papers, amongst others, a letter from General Jonhson,* wherein he states that General Braddock has been so imprudent as to go and attack the fort on the river Oyo; that he had lost 1,600 and 600 dead. That he, Jonckson,* was ordered to attack Fort Frederick, but, that for his part, he was resolved to ask for his discharge. That there were no means of fighting the Canadians; that the English were all panic-stricken, which prevented them from resisting; and, in return

* Qy. Johnson.

for their expense, all they received was the unfortunate Baron de Dieskau, whom they would give for four sous."

But when Pitt assumed the direction of affairs, this tone of confidence disappeared. The French were bewildered at the rapidity and weight of his attacks; they saw with amazement the enormous subsidies which were voted by the English Parliament, and the confidence which the spirit of the minister inspired in all his subordinates. Even during the five months in which Pitt shared power with the Duke of Devonshire, the English minister found means to impress foreign politicians with a sense of the firmness and power of his character. The Duc de Belle Isle writes* to M. de Moras, that he has correspondents in England who are thoroughly well informed of Mr. Pitt's movements. These assert, that Mr. Pitt wishes, at any price, to regain the superiority in America, and that he would not hesitate to drain England of men in order to attain his object. "There is to be despatched thither," writes the Duc de Belle Isle, "exclusive of the two regiments of Scotch Highlanders, each 1,800 strong, nine regiments of infantry, viz., five from the Irish establishment, not counting the three regiments that sailed a few months ago for New England. All these will form a body of more than eight or ten thousand regular troops: a large park of artillery is also sent forward at the same time, and every sort of arms and munitions of war."

The duke also expressed his opinion that as America was the principal and true cause of the war,

* Col. MSS. i. 3. Feb. 1757. Vol. x. p. 526.

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the attention of the French should be directed mainly to that part of the world. "It is the good or bad condition, wherein we shall happen to be, that will sooner or later determine the English minister to make peace, and to render it either ruinous or advantageous to us." We shall never conclude a solid one if we cannot have Acadia.

Among the principal causes of anxiety which agitated the minds of the French leaders was the condition of Canada itself. It was no longer the homogeneous mass that it had formerly been; it was no longer governed by men of the consummate ability of La Galissonière. Peculation was rife in the highest places, the militia was not well in hand, the troops had been permitted to lose something of their strict discipline. The nerves of the colony were unbraced, and the government at home seemed unwilling to adopt the only measures which could restore to them their proper tone.

Accounts of travellers, and the correspondence of the governors and other officials with the authorities of France, enable us to form a good notion of the state of society which then existed. The feudal constitution of Canada, by depriving native Canadians of all hope of advancement in life, took from them one of the greatest incentives to exertion, and gave a certain air of frivolity to the pursuits of those whose fortunes removed them above the necessity of daily toil, without bringing them within the magic circle of those distinguished by gentle birth. They were devoted to social amusements—excursions by day, gaming or dancing parties by night—during the

summer months pic-nics, snow-shoeing and skating parties during the winter occupied time, which in the English colonies was more profitably passed in pursuits which tended to increase the material prosperity of the country and their own. They were inclined to the faults which idleness usually brings with it, such as ostentation and extravagance in dress and entertainments. Gambling especially was carried to a pitch which, except in Virginia, was not usually attained in the English colonies. The Bishop of Quebec, just before the conquest, attributes the danger which overhung the country to the "wrath of heaven for the absence of pious zeal, for profane diversions, for insufferable excesses of games of chance, contempt of religious ordinances, open robberies, heinous acts of injustice, shameful rapines." Even less strict moralists than Monseigneur Henri de Pont Brian found themselves called upon to reprobate some of these excesses. M. de Vaudreuil, the governor-general, had for some time been on bad terms with Montcalm, the commander-in-chief, and as it appears, with good reason. M. de Vaudreuil was surrounded by relatives of mean extraction, whom he allowed to peculate without check or remonstrance. The documents preserved in the Ministère de la Guerre at Paris are full of information corroborating this view. "M. Bigot,"* writes Montcalm,† "appears to be only occupied in making a fortune for himself, his adherents, and sycophants. Cupidity has seized

* The intendant of the province.

† M. de Montcalm to Marshal de Belle Isle. Montreal, April 12, 1759. Dept. de la Guerre. Paris.

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officers and storekeepers; the commissaries who are about the River St. John or the Ohio, or with the Indians in the upper country, are making astonishing fortunes. . . . . M. de Vaudreuil, with whom men are equal, led by a knavish secretary and interested associates, would confide a vast operation to his brother,* or any other colonial officer, the same as to M. de Levis. . . . . Everybody appears to be in a hurry to make his fortune before the colony is lost; an event which many, perhaps, desire as an impenetrable veil over their conduct. . . . . Has the king need of purchasing any goods for the Indians? Instead of buying them directly, a favourite is notified, who purchases at any price he pleases; then M. Bigot has them removed to the king's stores, allowing a profit of one hundred or even one hundred and fifty per cent. to those whom he desires to favour." In the collections of the Quebec Literary Society† there is a similar anecdote respecting M. Bigot. The intendant has fallen completely under the influence of the wife of a Canadian named Péan; this lady became at last the channel through which the public patronage flowed. Péan, in a short time, became possessed of fifty thousand crowns. On one occasion, Bigot, requiring a large quantity of wheat for the use of the royal troops, gave Péan the contract for supplying it, and advanced from the royal treasury money with which the wheat was bought. The intendant, next day, issued an ordinance, fixing the price of wheat much higher than the price at

* M. Rigaud, mentioned elsewhere in a despatch of Montcalm, as being "neither wanting in spirit, in a certain talent, nor in intrigue."

† 1838, p. 63.

which Péan had bought it. The latter delivered it to the government at the price fixed by the ordinance, and was able to buy a seignory with the plunder.

Besides peculation such as this, M. de Vaudreuil permitted excesses which were very prejudicial to the discipline of the troops, as well as to the tone of society. "I have found," writes M. de Montcalm,* "some of our officers were inclined to games of hazard, and proposed to M. de Vaudreil to prohibit them; I even placed an officer under arrest. There was no play either at Quebec or Montreal until M. de Vaudreuil's arrival at Quebec. M. Bigot loves to gamble; and M. de Vaudreuil thought proper to permit a bank at M. Bigot's. I said what I considered my duty, but did not wish to forbid our officers playing at it, as it was displeasing to M. de Vaudreuil and M. Bigot. Captain de Maron of La Reine has lost twelve thousand livres, which have been paid, his lieutenant-colonel having lent them to him."

The discipline of the army was, moreover, considerably relaxed. Many officers reported that it was exceedingly difficult to maintain strict discipline among soldiers who are in separate quarters during the entire winter season, and, as it were, out of the officers' sight. None of the regiments were together, except the two battalions that were in garrison at Quebec and Montreal—there were dangers, too, for the younger officers, as well as for the rank and file. The eyes of Canadian ladies were bright; and even the stern glances of Montcalm were of no avail to prevent the natural consequence.

* M. de Montcalm to the Count d'Argenson, April 24, 1757.

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I have found* our officers inclined to contract marriages which were not any more advantageous for the political interest of the colony than for that of the king. M. de Vaudreuil appeared to me to favour them. He is encompassed with relatives of mean extraction. . . . The difficulties I opposed to the granting of permission have prevented the marriages of two young lieutenants, minors, and under a father's control, who were consulting only their passions, and have put a stop to many similar projects.

Before condemning too hastily the imprudence of the young officers, over whom the authority of the great Marquis de Montcalm was exercised, it will be just to hear the opinion of M. Kalm,† at that time in Canada, who appears to have devoted, considering his position as "Professor of Economy," very serious attention to the subject.

The manners of the Canadian ladies appeared to Kalm to contrast favourably with those of the fair inhabitants of the English colonies. He pronounces them "well bred, virtuous, with an innocent and becoming freedom." He, however, draws some distinction between the dames of Quebec and of the provincial society of Montreal. The former possess the politeness peculiar to the French nation, "having the advantage of frequently conversing with the French gentlemen and ladies who come every summer with the king's ships, and stay several

* M. de Montcalm to Count d'Argenson. April, 1757. Antoine René de Voger d'Argenson succeeded his uncle the Compte d'Argenson as Minister of War, Feb. 2, 1757.

† A Swedish traveller, Professor of Economy in the Swedish University of Aobo, who published an account of his journey, 1761.

weeks at Quebec, but seldom at Montreal.' The ladies of the last place are accused of "partaking too much of the pride of the Indians, and of being much wanting in French good-breeding." Summing up the relative merits of the two places, Kalm decides that the ladies of Montreal are handsomer than those of Quebec. "Their behaviour likewise seemed to me to be somewhat too free at Quebec, and of more becoming modesty at Montreal." On the other hand, the ladies of Quebec "are not very industrious; a girl of eighteen is reckoned very poorly off if she cannot enumerate at least twenty lovers. These young ladies, especially those of higher rank get up at seven, and dress till nine, drinking their coffee at the same time. When they are dressed they place themselves near a window that opens into the street, take up some needlework, and sew a stitch now and then; but turn their eyes into the street most of the time. When a young fellow comes in, whether they are acquainted with him or not, they immediately lay aside their work, sit down beside him, and begin to chat, laugh, and joke, and invent *double entendres*; and this is reckoned 'avoir beaucoup d'esprit.' In this manner they frequently pass the whole day, leaving their mothers to do all the business of the house. In Montreal the girls are not quite so volatile, but more industrious; they are always at needlework, or doing some necessary business in the house. They are likewise cheerful and content, and nobody can say that they want either wit or charms; their fault is that they think too well of themselves."

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The last sentence, concluding a parallel very favourable to the ladies of Montreal, is malicious; but the professor had, in a former passage, complained that the ladies "at Montreal especially, are very ready to laugh at any blunders strangers may make in speaking, and they cannot hear anything uncommon without laughing at it." It is, therefore, not impossible that M. Kalm's Swedish accent may have drawn upon him some of the caustic raillery of which he complains, and that he may have suffered from it sufficiently to qualify his otherwise entire admiration.

The habit in the French colonies was to rise early. The governor held his levée at seven o'clock in the morning, which was throughout Canada the usual hour for breakfast. This meal consisted of bread and brandy for the men; chocolate, or coffee, from the French provinces in South America, for the ladies: dinner was at noon. For each guest the entertainer provided a plate, a napkin, a spoon and fork; every lady or gentleman came provided with his own knife: the principal beverages were claret and spruce beer. The passion for dress was carried to an extravagant height before the time of the conquest. "Frenchmen," says Kalm, "who consider things in their true light, complained very much that a great part of the ladies in Canada had got into a pernicious custom of taking too much care of their dress, and squandering their fortunes and more upon it. They laughed at each other if they were not dressed in the newest Parisian fashions; though, from the length of the voyage, the newest fashions in Canada were those of the year before in France." But all this finery was reserved

for holidays and visiting. On common occasions women of all ranks wore a neat jacket, and a short petticoat which reached to the middle of the leg; they also had shoes with enormously high and pointed heels. They powdered their hair every day, and put their locks in paper at night—"which idle custom was not introduced into the English settlements." The gentlemen generally wore their own hair; those who wore wigs were the exception. "People of rank used to wear laced clothes, and the crown officers carried swords. All the gentlemen—even those of rank, the governor-general alone excepted—when they go into town on a day that looks likely for rain, carried their cloaks on their left arms." In the country the women were exceedingly industrious; they "greatly surpassed the English women in the plantations, who have taken the liberty of throwing all the burden of housekeeping upon their husbands, while they sit in their chairs all day with folded arms."*

Some there were, however, in Canada, who, like the English women, did nothing but prattle all the day long. While at work in-doors, they were in the habit of diverting themselves with singing songs, "in which the words *amour* and *cœur* are very frequent."

Such was the state of Canada before the fall of Louisburg; after that event they were completely cut off from communication with France. The fleet, upon which the court of Versailles relied for the relief of the province, was destroyed; the mouth of the St. Lawrence was in the hands of the English; the only other access into Canada was through the

* Kalm, iii. 36.

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English colonies, by Boston or New York, or by the long and circuitous route of New Orleans and the Mississippi. Even those roads were now blocked; for the English fort of Pittsburg stood on the ruins of Fort du Quesne, and the English flag waved over Fort Frontenac at the head of the St. Lawrence, and over Chouegen,* on the southern shore of Ontario.

Montcalm, surveying the prospect before him, and the materials at his disposal, was constant in his assurances to the minister that, unless some very large reinforcement came to Canada, or some strange blunders were committed by the enemy, the English would soon be in possession of Quebec. Statesmen in France took the same view, and urged in vain on the government the propriety of immediately sending out supplies and reinforcements. The unhappy Canadians had not enjoyed repose enough to cultivate their lands and fill their garners: the scarcity of provisions, now that supplies could no longer reach the colony from France, was so great that Montcalm contemplated the result with dismay, which breaks out in almost every despatch which he writes to the ministers in France.† He speaks of the famine as very great: "New France needs peace, or sooner or later it must fall." All the garrisons of Canada, and many of the inhabitants, were put on a reduced

* The French name for Oswego.

† See letters from M. de Montcalm to MM. de Moras de Paulmey and the Maréchal de Belle Isle; especially those dated Feb. 20, 1758; July 28, 1758; Nov. 1, 1758. M. de Vaudreuil's statement of stores necessary for Canada, and prices of provisions in Canada. Montcalm to de Cremille, Nov. 21, 1758; April 12, 1759. Montcalm to Maréchal de Belle Isle.

allowance of food: the soldiers received but half a pound, and the inhabitants but two ounces of bread daily. Many kinds of domestic animals became nearly extinct; the whole country was bare of vegetables, poultry, sheep, and cattle. "If the soldier," writes Montcalm to M. de Belle Isle, "received horseflesh at Prague, he at least always had a pound and a half of bread; he has learnt to live here on half a pound, and bore with it the more patiently, knowing that his superiors (who, indeed, for money, have never wanted for any food except bread) were reduced to a quarter of a pound per day."*

M. Doreil writes from Quebec,† "We have been limited since last summer to four ounces of bread a day; the people have been restricted to two ounces since the first of this month." M. Daine, on the 19th May, addresses Marshal de Belle Isle :—

"Nothing is more melancholy or more afflicting than the actual condition of the colony. After having passed a part of last autumn and winter on a quarter of a pound of bread per person a day, we are reduced these six weeks past to two ounces. This country has subsisted up to this time only by the wise and prudent economy of our intendant;‡ but all resources are exhausted, and we are on the eve of most cruel famine, unless the succours which we are expecting from our monarch's bounty and liberality arrive within fifteen days at the furthest.

"I am at a loss for terms to describe our mis-

* Montcalm to Belle Isle, April 18th, 1758.
† April 30th, 1758.
‡ M. de Montcalm gave a different account of M. Bigot.

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fortunes. The supply of animals is beginning to fail; the butchers cannot furnish a quarter of the beef necessary for the subsistence of the town, though they pay an exorbitant price for it. Without fowls, vegetables, mutton, or veal, we are on the eve of dying of hunger.

"To make up for the want of bread, beef, and the other necessaries of life, our intendant has ordered twelve or fifteen hundred horses to be purchased; these he has distributed among the poor of this town, at a rate much below what they cost the king. He is now having distributed among the same poor a quarter of a pound of pork and half a pound of cod-fish a day; but that cannot last long. The mechanics, artizans, and day-labourers, exhausted by hunger, absolutely cannot work any longer; they are so feeble that it is with difficulty that they sustain themselves."

The Marquis of Montcalm repeatedly urged these and similar topics upon the government of France. It was known to Marshal de Belle Isle that, in addition to the material difficulties of Montcalm's situation, the general was not supported by M. de Vaudreuil: to such an extent was the misunderstanding carried, that the commander-in-chief and the governor held no communication with each other either on public or private business. In April, 1759, just before Wolfe's attack on Quebec, Montcalm writes to M. de Cremille; "I cannot tell you precisely how we are off for provisions and warlike stores. Ordinarily I learn the fact only from the public, which informs me that we are badly off for the one and the other, unless we re-

ceive powerful succours from Europe." But those succours France was unwilling or unable to afford. He had been informed in February by Marshal de Belle Isle,* that he was not to expect reinforcements. "Besides augmenting the scarcity of provisions which you have only too much experienced up to the present time, it would be much to be feared that they would be intercepted by the English on the passage; and as the king could never send you assistance proportionate to the forces the English are able to send against you, the efforts which would be made here would have no other effect than to excite the ministry of London to still greater efforts to preserve the superiority it had acquired in that part of the continent." Montcalm was thus left, at his greatest need, to his own resources. At the time when the Minister of War sent his definitive announcement that nothing was to be expected from home, the toils had surely closed around the doomed force of the French. The force at Montcalm's disposal consisted of about 11,000,† of whom a large number were colony militia, a force which Montcalm invariably spoke of with extreme contempt. "Our government," he says, "is good for nothing; money and provisions fail. Through want of provisions, the English will begin first; the farms scarcely tilled; cattle lack; the Canadians are dispirited; no confidence in M. de Vaudreuil or in M. de Bigot. M. de Vaudreuil is incapable of preparing a plan of operations."

While such was the position of Montcalm, Pitt had

* Versailles, 19th Feb., 1759, in the Department de la Guerre, Paris.
† Montreal, 12th April, 1759.

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pushed on the preparations for the English campaign with untiring energy. The plan which had nearly succeeded in the preceding year was again adopted. Amherst, the commander-in-chief, with the main body of the army in America, was to advance from his cantonments at Crown Point, and to fight his way to Montreal. Stanwix, with a force of manageable size, was to start from Pittsburg, and take possession of the line of forts between the Ohio and the Niagara, which was still held by Audry for the French. General Prideaux was to advance through the woods, take Fort Niagara by storm, and then proceed with his force northwards across Lake Ontario and down the St. Lawrence to Quebec, joining as he passed Montreal the main body of Amherst's army. Wolfe was to leave Louisburg as soon as the breaking-up of the ice would permit the fleet to move, and operate directly by land and water against the fortifications of Quebec.

It was well observed by Lord Macaulay, that in many of the expeditions planned by Pitt, there was no evidence of profound or dexterous combination. The warmest admirers of that great statesman's genius will admit that, in the instance of the Canadian campaign, the allegation was true. Great masters of the art of war—Marlborough, Napoleon, Wellington—have held it as an invariable axiom that the great efforts of a general should be directed, first, to discover the weak point of an enemy's line, and then to attack that weak point with an overwhelming force. Pitt's plan for the Canadian campaign was just the reverse of this. Canada had three strong points upon her frontier—Crown Point, which gave her the com-

mand of Lake Champlain and the Hudson, and with them easy access to the heart of New York; Niagara, which commanded the route to the south and the west, and afforded a starting-place for the great western fur-trade, and a base of operations whence the military road through Le Bœuf, Venango, and Pittsburg passed to the Mississippi and to Louisiana; and lastly, Quebec, the strongest natural fortress, except Gibraltar, in the world. One point on the Canadian frontier was particularly weak—defenceless indeed, if Crown Point were once lost—namely, the place where the Richelieu River falls into the St. Lawrence at Montreal. The latter town had no defences, and presented no facilities for defence. The district around it was the most highly cultivated and thickly-settled part of Canada; if once the English were in possession of Lake Champlain, they would have, by way of the Hudson, the Lake, and the Richelieu, a broad and smooth highway into Canada. With Louisburg in the hands of English soldiers, and covered by an English fleet, Quebec, cut off from the fertile country above it, and from all access with France, would soon have been starved into surrender. Instead of this obvious plan, a plan which Montcalm, who knew better than any other the weak points in his armour, thought would certainly be adopted,* Pitt desired that the English forces should be divided into three; that

* Assuredly the English will make an attack by Lakes St. Sacrement and Ontario . . . . the enemy's preparations are made, and absolutely speaking, they might make themselves masters of Canada by these two points.—Memoir on the Defence of Canada, January, 1759.

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each division should be detached against one of the strongest points on the enemy's line, and trust to the doubtful event of victory at all points, and delay at none, for the possibility of ever effecting its junction with the rest. The scheme has the merit of boldness, and the double merit of success; but it may well be doubted whether Quebec would have fallen in 1759 if Amherst had been in the place of Wolfe.

1759 In the early summer, Admiral Saunders, with Wolfe on board his fleet, made his way out of Louisburg, and arrived, without accident, at the island of Orleans, in the river below Quebec.

The first blow was struck on the Niagara frontier. General Prideaux advanced on the fort, which was held by Pouchot with six hundred men. The defences were now very different from the simple palisade which had been made in the early days of the colony by La Salle, or from the stockade which had been built on the ruins of La Salle's post, by Denonville. Prideaux found himself obliged to open trenches and invest the place in regular form. The besieged conducted themselves with great bravery: repeated sorties were made with a view to raise the siege; but Prideaux's forces were too numerous to be repelled, and even the death of the English general, which occurred by the bursting of a mortar in the trenches, did but devolve the command on an officer still more able and energetic, Sir William Johnson. On the day of the siege, news came to Pouchot that help was at hand, M. d'Audry having assembled a force of 1,200 men from Le Bœuf and Venango. A desperate fight took place in the woods between a

portion of the besiegers and the relieving force, aided by a gallant sortie of the garrison; but it was in vain: Pouchot was at last obliged to surrender, and to march out with his brave men, unarmed, as prisoners of war. The victory was so complete, that Brigadier Stanwix was able to execute his part of the combined operation, by taking possession of the line of posts from Pittsburg to Niagara, without opposition.

Meanwhile the commander-in-chief was idling away his time on Lake Champlain. Instead of pushing forward to Montreal, he allowed M. de Bourlamaque, who had been detached by Montcalm more to hold him for a moment in check, than with any expectation of arresting his advance, to keep him for a month or more making fortifications, which would be unnecessary if Quebec were taken, and worse than useless if the attack failed. De Bourlamaque had with him many of the nobility of Canada, men proud of their rank, of their ancestry, and fighting for their families and their broad seigneuries. They did all that could be done in the face of an army so vastly superior in numbers to their own; they knew that the whole of Canada had been levied *en masse*; that their army could not be recruited; that even as it was there were not men enough to reap the harvest round Montreal: but they were forced to give way, and before the end of July, Crown Point was occupied. Every one now supposed that Montreal would be immediately attacked; but Amherst let month after month go by, without advancing. It was not till the beginning of October that he put his army in motion: he had not moved many miles, when he re- 1759

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ceived intelligence of the glorious success of Wolfe before Quebec.

It is not necessary here to detail the incidents of the siege; the first repulse of the grenadiers of Louisburg, at Montmorenci; the sharp fight for the possession of Point Levi. A grateful country remembers well the incidents of that starlight night in September, when the English force dropped down in breathless silence with the ebbing tide, towards the scene of the next day's battle. A survivor of the fight has told how their young commander, then going to his death, repeated to the officers around him Gray's beautiful lines—

> "The boast of heraldry, the pomp of power,
> And all that beauty, all that wealth e'er gave,
> Await alike the inevitable hour;
> The paths of glory lead but to the grave;"

and said that he had rather have written that poem than take Quebec. The Highlanders were the first to land; they scrambled up the face of the cliff, taking advantage of the low trees and brushwood which then, as at this day, clothed its precipitous sides. They were undiscovered till they had nearly gained the summit: a minute more and they were in possession of an entrenched post at the top of the little pathway that Wolfe had selected for the passage of his army. Before daylight the whole British force had scrambled singly up the steep ascent, and formed in order of battle on the plain above. From the spot where they stood to the fortifications was about half a mile of ground, then laid out in corn-fields, and divided by rail-fences, which now forms the race-

course of the garrison of Quebec. The right of the English rested on the precipice, and was formed by the 35th Regiment; then came the Louisburg grenadiers, who were destined that day nobly to retrieve the disaster caused by their rash valour at Montmorenci; between them and the 43rd, who formed the centre, stood the 28th; then came the 47th and the 78th. The extreme left, resting on a ridge which overlooks the valley of the St. Charles, was held by the 58th. General Townshend commanded the second line, in which were the 15th Regiment and the two battalions of the Royal Americans. Colonel Burton with the 48th Regiment formed the reserve.

The action was commenced by the French, who appeared shortly after daybreak on the slopes under the ramparts, and despatched a party of Canadians and Indians into the brushwood on the face of the cliff, and into a corn-field opposite the 35th; a couple of field-guns at the same moment opened fire with considerable effect.

Montcalm, who was in his intrenchments on the St. Charles, could scarcely believe the messenger who brought him intelligence of the position which the English had gained. At first he declared that it must be a small party come to burn a few houses and retire; but he soon became convinced of his mistake, and, instead of throwing himself with his army into the almost impregnable fortifications of Quebec, he adopted the almost incredible resolution of advancing to give battle to Wolfe on the plains before the city. It has been surmised that the dissensions which existed between M. de Vaudreuil and himself

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prompted this rash resolve, and that a taunt of the governor-general's upon his personal courage stung him into the unfortunate exhibition of rashness, which lost him the battle and his life.

The noble regiments of regular infantry, Bearne, Guienne, La Sarre, Languedoc, and the Royal Roussillon, and two battalions of the Marine, Montcalm could depend upon to the last extremity: not so the Canadian militia, of whom he had about 2,300, or the Indians on whom he frequently declared he had no reliance. The forces of the French amounted to 7,520 men, of whom half were militia. Wolfe had 4,828; but every man of these was a trained soldier. In a few minutes the victory was won, and the French were in headlong retreat to the citadel into which they poured through the St. John and St. Louis' gates, closely pursued by the Highlanders, who made up by their activity for their absence of cavalry. But the generals on both sides were struck down. Wolfe was twice hit before he received his mortal wound, and Montcalm was shot while trying in vain to rally a body of fugitive Canadians who crowded into a thicket near St. John's gate.

Message after message had been sent by Montcalm to de Vaudreuil, who had with him 1,500 men in the camp on the St. Charles; but the governor fled with precipitate haste to take refuge with de Levy at Montreal, and left his brave colleague to perish unsupported. M. de Ramsay, who commanded in the absence of de Vaudreuil, by order of his chief, and by the advice of his council of war, surrendered the place on the 18th of September. The same evening the

Louisburg grenadiers marched in preceded by a detachment of artillery and one gun, the carriage of which was adorned by the British flag, which was soon after hoisted on the highest point of the citadel, at the moment when a body of English seamen took possession of the lower town.

America was wild with exultation at this signal victory, nor was the news received with less enthusiasm in England. All seemed to prosper to which Pitt put his hand. Within the space of one year 1759
Englishmen heard how the negroes had assembled on the heights of Goree to see its forts surrender to Commodore Keppel. Next came news that Guadaloupe, the finest of the West Indian islands of France, whose position gave it the command of all the neighbouring seas, had surrendered to Barrington; a month later Johnson took Niagara, and Amherst, Ticonderoga. On the Continent, the independence of Hanover was secured by a victory over the French at Minden, even more decisive than that won in the previous year at Crevelt.

But the victory was costly. Statesmen on both sides of the Atlantic perceived that to remove French power from Canada was to take away a standing menace from the American colonies, and to hasten materially the period of their independence. While the cession was still pending, many persons announced the fact in tones of warning or of exultation, according as they wished well or ill to the power of England. Many of the consequences of the conquest had for years been foreseen, and were recorded in terms which were afterwards fulfilled with remarkable accuracy.

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The temper of the English colonies, and their resolution to break with the mother-country at the first available opportunity was no secret; it was talked of openly, and recorded as matter of fact by foreign travellers, and of warning by English politicians. Twenty-eight years before the declaration of independence, soon after the peace of Aix-la-Chapelle, at a time when American historians would have us believe that sincere loyalty animated the colonies, Kalm, the Swedish professor of Aobo, put on record that the people among whom he was sojourning, leavened as they were with large numbers of Frenchmen, Germans, Swedes, and Dutch, had no love for England, and meditated removing themselves from her sway. He thus records the effect produced on his mind by the language which was daily held around him :*—

"It is of great advantage to the crown of England that the North American colonies are near a country under the government of the French like Canada. There is reason to believe that the king never was in earnest in his endeavours to expel the French from their possessions there, though it might have been done with little difficulty. For the English colonies in this part of the world have increased so much in their number of inhabitants, and in their riches, that they almost vie with Old England. . . I have been told by Englishmen, and not only by such as were born in America, but even by such as came from Europe, that the English colonies in North America, in the space of thirty or fifty years, would be able to

* Kalm, i. 264.

form a state by themselves entirely independent of Old England. But as the whole country which lies along the shore is unguarded, and on the land side is harassed by the French, in times of war these dangerous neighbours are sufficient to prevent the connection of the colonies with the mother-country from being quite broken off. The English government has therefore sufficient reason to consider the French in North America as the best means of keeping the colonies in their due submission."

Nor were there wanting voices among our own people to proclaim the result of the policy of Pitt. Lind, a lawyer of eminence, who took an active part in the discussions which arose at the time of the American war, describes a conversation which he had held with the Ambassador of France at Constantinople in 1763.

"The French," he says,* "seem to have been better acquainted with the temper of the North American colonies than we ourselves. Upon looking over some rough draughts of letters I had written to some friends in England from Constantinople (where I was at the close of the last war), I found in one of them an account of a conversation I had at that time (viz., early in the year 1763) with M. de Vergennes, then Ambassador from the Court of France at the Porte, and now Secretary of State for Foreign Affairs. 'You are happy,' says he, 'in the cession of Canada: we perhaps ought to think ourselves happy that you

* Three Letters to Dr. Price: by a Member of Lincoln's Inn. London, 1776, p. 137. The pamphlet is anonymous, but is attributed on good authority to Lind.

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have acquired it. Delivered from a neighbour they have feared, your other colonies will soon discover that they no longer need your protection. You will call on them to contribute towards supporting the burden they have helped to bring upon you, and they will answer you by shaking off all dependence."

At the very time of the conquest, warnings were not wanting. A letter* attributed to Pulteney, Earl of Bath, had appeared, strongly urging the retention of Canada, at the peace which then appeared near at hand. It was answered by one† in which the following passage occurs:—

"If, sir, the people of our colonies find no check from Canada, they will extend themselves almost without bounds into the inland parts. They are invited to it by the pleasantness, the fertility, and the plenty of that country, and they will increase infinitely from all causes. What the consequences will be, to have a numerous, hardy, independent people, possessed of a strong country, communicating little, if at all, with England, I leave to your own reflections. . . . I will only observe that by eagerly grasping at extensive territory, we may run the risk, and that perhaps at no very distant period, of losing what we now possess. The possession of Canada, far from being necessary to our own safety, may in its consequences be even dangerous: a neighbour that keeps us in some awe is not always the worst of neighbours. So far from sacrificing Guadaloupe to Canada, per-

* Letter to Two Great Men on the Prospects of Peace. 1760.

† Remarks on the Letter to Two Great Men. No date. P. 51 (attributed to William Burke).

haps, if we might have Canada without any sacrifice at all, we ought not to desire it." 

But the clearest view of all was given by the Marquis of Montcalm, a few months before the capture of Quebec, in a letter to his friend and cousin, M. Molé, President of the Parliament of Paris. Montcalm looked upon colonies from a completely French point of view, as machines to be worked for the benefit of the mother-country; but the clearness with which he appreciated the character of the English, the temper of the Anglo-Americans, and the course of events which he did not live to see, is most remarkable:—

"Old England has been foolish enough and dupe enough to allow them to establish arts, trades, and manufactures for themselves. In other words, she has permitted them to break the chain of necessities which bound them to her, and which makes them dependent. All these English colonies would long ago have shaken off the yoke, each province would have formed a little independent republic, if the fear of seeing the French at their gates had not restrained them. Master for master they prefer their countrymen to foreigners; acting, nevertheless, upon the maxim to obey as little as they may. But if Canada were conquered, and the Canadians and these colonists formed but one people, think you, my dear cousin, that on the first occasion, when Old England appeared to touch their interests, the colonists would obey? What would they have to fear if they revolted? I cannot conceal the fact that Old England with a little management would be able always to

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keep in her hands a talisman, for bringing her ancient colonies to reason. The riches, the strength, and the number of inhabitants of Canada, are as nothing compared with the English colonies; but the bravery, the industry, and the fidelity of its inhabitants supply their place so well, that for a century past they have fought with success against them all. Ten Canadians are worth a hundred English colonists; daily experience proves the fact. If Old England, after conquering Canada, knew how to attach it to herself, and by benefits wisely conferred, to preserve it for herself alone; if she left to it its religion, its laws, its language, its customs, its ancient government; Canada divided on all these points from the other colonies would always remain an isolated country, which would never take part in their intrigues. But that is not British policy. When the English make a conquest, they consider it incumbent upon them to change its constitution; they bring to it their laws, their customs. Behold, then, the Canadians transformed into politicians, merchants, men infatuated with that pretended liberty, which among the English populace so often degenerates into licence and anarchy. I am so sure of what I write, that I would not give ten years after the conquest of Canada for its accomplishment. That is what consoles me, as a Frenchman, for the imminent danger which my country runs of losing this colony."

Nor was it long before the prediction of Montcalm began to take effect.

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## DECLARATION OF AMERICAN INDEPENDENCE.

[1763—1783.]

Conciliatory Character of English Legislation with regard to America up to the time of the Treaty of Fontainebleau—Change in English Policy after that date—Pitt—The King, the House of Commons—Administration of Grenville—Progress of discontent in America—The Stamp Act — Lord Rockingham's Administration — Reaccession of Pitt to Power—Measures which resulted in the War of American Independence.



IT has been shown that a tendency towards separation naturally follows the development of a free nation. In the case of the Anglo-American colonies, desire for independence was the consequence of approaching maturity, and not of any peculiar harshness on the part of the dominant country. Independently of unjust legislation, a determination to be free arose and gathered strength; whatever had been the course of legislation, that resolve would sooner or later have been acted upon. It was formed when the behaviour of England was uniformly conciliatory; and though its fulfilment was no doubt hastened by the injustice of English legislation, subsequent to 1763, the time only, and not the occurrence of disruption, was affected by the change of policy.

The colonies had in fact grown up; the time had

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come, when, by means fair or foul, they would have contrived to establish for themselves an independent position. Proof has been advanced, that the relations between Great Britain and America—according to the state of political science—had been up to that time wise and kind; it is fully conceded that from
1763 the time of the Treaty of Fontainebleau, a very different spirit animated the councils of England. The course of government was tyrannical and ill-judged; legislation, such as that adopted by the advisers of George III. after the dismissal of Pitt, acting upon a temper prepared like that of the Americans to fire up at the least offence, was at once fatal to the continuance of British power.

If it be permissible to speculate on what might have been, it may be said that after the cession of Canada, two alternatives seem to have been open to the statesmen of this country:—to prolong for a few years the connection between the metropolis and the colonies, by mild and conciliatory legislation, by sacrificing the dearly-cherished monopoly of trade, by raising the colonies to a position much nearer equality with the dominant country; these concessions might have purchased the opportunity of choosing a favourable opportunity for amicable separation. The other alternative was to strain to their utmost tension the laws of trade, to disregard remonstrance, to overawe resistance by military force, and in the last extremity, to decide by an appeal to arms, whether England should rule over a conquered people, or lose altogether the last shadow of power over their destinies. There was no middle course; for nothing short of

absolute independence would long have satisfied the colonies. CHAPTER X.

At the time of the taking of Quebec, Pitt was minister in England, Choiseul in France. Pitt, by his able conduct of war, and the vast sums which he was able to dispose of, raised England from a position degraded and disregarded, in Europe, to the height of glory: soon the end was forgotten, and the means pursued for their own sake; the minister began to delight in war and costly armaments; successful military operations raised the humbled pride of the nation; Pitt became the idol of the people, and from day to day his will became more absolute, his temper more unyielding. 1759

Choiseul found France gradually diminishing in strength; her colonies were destroyed, her fleet vanquished, her treasury bankrupt. He was strongly inclined for peace, to which the English statesman was still more strongly opposed. Pitt once would have been "satisfied to see France on her knees; now he would not be content till he had laid her on her back:" he opposed the peace with France with such violence, that he preferred leaving office rather than agree to it. 1762

In 1760 King George II. was succeeded by his grandson. The new king had been brought up by the Princess Dowager of Wales with exaggerated views of the royal prerogative, and was endowed by nature with an unbending obstinacy of temper which could ill brook the haughty dictation of Pitt. The peculiar tenets which had been instilled into the mind of George III. were all based on the assumption that the

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king ought to be the first and greatest power in the state; his whole policy was nullified by the fact that the thing assumed was impossible. It was easy to point to the House of Commons, and to declare that a body so notoriously and grossly venal ought not to be the most powerful body in a well-balanced system: the disease was undeniable, but the remedy was hard to find. It was vain for the king to study the recommendations of his favourite author,* to resolve that he would not allow any body of men to dictate to him, that he would surround himself with the best men without respect to party, that he would by the exercise of his authority put an end to faction and to the system of bribing members of parliament. The House of Commons sat with closed doors, and held the power of causing every battalion in the king's pay to be disbanded, and every part of the machinery of his government to be brought to a dead lock. Prerogative such as that which he desired could only be exercised by a king who was really stronger than the body he intended to coerce; but power in the reign of George III. had passed out of the hands of the monarch without being placed, as it is now, in the hands of the people. The House of Commons then was practically an irresponsible body holding the chief power in the state. Hopeless as the contest was between the king and his parliament, George III. embarked in it with all his might, and the accidents of the struggle decided the fate of the Anglo-American empire. The king's views were to get rid one by one of the ministers who held power by virtue of their

* Bolingbroke. Patriot King.

predominance in parliament, and to replace them by creatures of his own, through whom he could govern at his will. The scheme was a hopeless anachronism, and never really endangered for a moment the liberties of the country, but it was pursued with a tenacity which exercised a disastrous influence on current events. CHAPTER X.

The first object of the court was to get rid of Pitt. That minister and the Duke of Newcastle, after quarrelling bitterly during the last years of George II., had each constructed a ministry separately, and failed, each for want of the strength in which the other most abounded. At length they determined to unite, and 1758
their union formed a government stronger than any that had existed in England since the days of Queen Anne. The power of England increased to an unexampled extent under the energetic management of Pitt; the parliament of England, under the judicious manipulation of Newcastle, met but to follow the lead of ministers, and to vote without a murmur the enormous sums required for their gigantic schemes. The heads of all the great Whig houses, Cavendish, Lennox, Wentworth, Granville, and Russell, were either members of the government or its warm supporters. Henry Fox was Paymaster of the Forces. It was this powerful party that lay in the way of the king's designs. The Earl of Bute, who had shared with the Princess Dowager of Wales the charge of the education of the king, was now the willing instrument of his designs. Almost immediately after the king's accession, Bute became Secretary of State, and the confidential, almost the sole, adviser of his master.

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Overtures for peace, made on behalf of the King of France by Choiseul, were received with eagerness by the king, and with great disfavour by Pitt. It became then a matter of the utmost moment with the king to lead the majority of the cabinet to advise a peace in which Pitt would refuse to concur, and which would consequently compel him to withdraw. It was impossible to dismiss him, for his popularity was so great that such a course would be in the highest degree unsafe; but he might gradually be surrounded by enemies, and placed in a position where he would have no option but to resign. The king began his operations on the first day of his reign; the speech with which he met his parliament was written by Bute, and was not submitted to the cabinet. It was with difficulty that Pitt could obtain the alteration of a statement respecting the war, inserted expressly to annoy the minister, and as Pitt declared, false in fact. Legge, the Chancellor of the Exchequer, was the first to go. The other members of the cabinet, all of whom were disgusted by the extreme arrogance with which Pitt forced his own views on his colleagues, were soon, with the exception of Lord Temple, induced to side against him. Choiseul, on the part of France, was sincerely desirous of peace. He proposed that each power should remain in possession of the territory it had wrested from the other: this proposal would have left England in possession of Canada, of Senegal, of the vast dominion wrested by Clive from Dupleix, in India, and would have given nothing to France in exchange but La Galissonière's conquest, Minorca. But Pitt demanded in addition

the demolition of Dunkirk, the absolute cession of the Newfoundland fisheries, the possession by England of half the neutral islands, St. Lucia and Tobago, the entire control of the slave trade, and freedom to assist the King of Prussia against the Austrians, who were busily engaged in driving King Frederick out of Silesia. Such terms, even in the extremity to which France was now reduced, could not be accepted. Choiseul declared that he would resign his post rather than sign a treaty so disgraceful to his country: the King of England and the majority of the cabinet were willing to grant much more favourable terms, and indeed would have agreed to anything that should drive Pitt from office. For a considerable time the haughty minister was able to hold out against the united power of the king and his colleagues; he was, however, at length outvoted on a vital point. The King of Spain, when formerly on the throne of the Two Sicilies, had been harshly treated by an English captain at the command of Pitt. He had been forced to yield, but his ruling passion from that time had been hatred to England. While Pitt was fighting against peace in the cabinet, the ministers of France and Spain were busily engaged in negotiating the terms of a treaty which should bind the two countries to an alliance, offensive and defensive, against the power of England. Pitt was well aware of this negotiation. He knew that Spain was expecting a vast supply of specie from America; he foresaw that if this money was allowed to reach the Spanish treasury, and the two Bourbon kings were in close alliance, they might compel England to grant far

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better terms than those they were now willing to accept: he therefore proposed to declare war with Spain, and at once to intercept their treasure ships. This proposal was rejected in the cabinet, and Pitt resigned.

But the triumph in which the court indulged was premature. Pitt's bold policy had so long prevailed, that the only hope of security was to continue it. To draw back was to incur certain danger, which could only be averted by an exhibition of vigour. The treasure ships came to port: France and Spain signed the family compact; and the nation found itself embarked in a war with Spain, without the assistance of Pitt to carry it through. Newcastle unwillingly followed Pitt into retirement, and Bute, in pursuance of his royal master's policy, assumed the direction of affairs. He had great difficulty from the first in maintaining the position he had assumed. The Spanish war was popular, and it was known that Pitt had designed it. No one was so well able as he to carry it to a successful issue. Every success which was acquired by the English arms was popularly ascribed to Pitt, and every reverse to the government. The peace, which was concluded in 1763, was far more favourable to France than any that could have been hoped for even from Bute himself in 1761. The ministry sunk to zero in the popular estimation. Pitt was carried into the House of Commons, in the midst of an attack of gout, and spoke with such energy as he could command against the peace. Bute, in order to obtain a majority in favour of the peace, had been compelled to ally himself with Henry Fox. The

ministry which boasted of the purity of its principles —which declared that since the young king came to the throne no Englishman had been bribed—now resorted to bribery to an extent which had never before been seen. By fair means or foul a majority was obtained; but Bute was so alarmed and disgusted by the treatment which he had been forced to put up with in office, that he suddenly resigned his post, and the king, after some hesitation, entrusted the formation of a ministry to George Grenville.

To the despotic and arbitrary temper of the new minister, the tyrannical measures that finally estranged America are due. He was a man of great formality and gravity, but gifted with a fatal fluency, both of ideas and words, that made him the terror of his friends, and of no one more than his royal master: to the end of his life the king looked back on the interminable harangues of his minister with horror. To fear and to sensibility Grenville's nature was equally inaccessible. It was unfortunate for England and for America that, at a time when war might by conciliation and kindness have been averted, the throne was occupied by a prince arbitrary and stubborn beyond precedent, and the chief power of the state wielded by a minister as unyielding and more narrow-minded than his master.

Immediately after the conclusion of peace it was announced that a standing army was to be kept on foot in America, and that the colonies were to be required to pay a considerable portion of the expense of the last war.

The colonies were at that moment in the midst

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of a dispute arising out of the laws of trade. The Custom-house officers petitioned the Supreme Court of Judicature, stating that they could not fully exercise their offices in such manner as his Majesty's service and the laws in such case required, and praying that the court, according to the usage of the Court of Exchequer of Great Britain, would grant writs of assistance to aid them in the execution of their duty. This application, supported by the king's attorney, was opposed on behalf of the city of Boston, by James Otis, a man who afterwards became famous for his writings and speeches in favour of American independence. His eloquence on this occasion roused the passions of the Bostonians to the highest pitch, and induced Massachusetts to believe that a direct attack was meditated upon their liberties. In the midst of this ferment intelligence was received that the government had at last decided on the plan of taxing the colonies.

The cessation of the Canadian war had filled the provinces with soldiers and officers, all accustomed to active service, and unwilling to subside again into the routine of peaceful life. There was also in every province a formidable body of efficient and resolute militia. These, in almost every instance, were animated by anything but a friendly feeling towards the English regulars, who were in the habit of laughing at their unmilitary appearance and peculiarities of pronunciation, without remembering their effectiveness in bush fighting and skirmishing. There was every fear that, the old danger from Canada having disappeared, and a ready weapon being in

the hands of the colonists, they might be induced to appeal to arms without due deliberation. Under these circumstances it behoved the government to be doubly careful and conciliatory; but nothing was further from George Grenville's thoughts or from the thoughts of George III. than conciliation. It was not yet known what was the scheme of the English ministry for raising a revenue, but everybody was well aware that some such scheme was entertained. The Puritans of New England resorted to their old tactics, and endeavoured to raise the general discontent by asserting that it was the intention of the government to introduce the Established Church into New England, and subject them all to the hierarchy. In Massachusetts this announcement had the effect only of increasing the distrust with which parties regarded each other; but in Virginia the result was more serious. The Church of England was there already established by law, and the clergy were provided for by a "parson's due," as it was called, which, owing to the scarcity of silver, was paid in tobacco. The Dissenters and democrats first used all their influence to commute the tithes at the low rate of twopence for each pound of tobacco, and afterwards to reduce the amount of tithes thus settled to a point which rendered them insufficient to support the incumbents. It was in vain that the clergy appealed. The law was clear, but no jury would give a verdict in their favour; and at length the legislature went so far as to vote money to defend any action which the Churchmen might bring. From this and similar causes distrust and disaffection soon

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became general throughout the colonies; the scheme of transatlantic taxation kept every one on the tenterhooks of expectation, and at length a feeling arose with respect to it which would have made a wise minister pause long and deliberate maturely before he braved it.

It would have occurred to most minds to reflect that a tax such as it was intended to impose, were it a hundred times as productive as it was likely to be, would never repay the cost of collection from an unwilling people: still less would it be worth while, in an economical point of view, to incur the risk of quarrel for the purpose of enforcing it. Even if the scheme had been of unquestioned legality, which it was not, it would have appeared to most men injudicious. But the stern and narrow mind of Grenville had no room for such reflections. He argued that parliament was the supreme power in the empire, and that what the monarch desired and parliament sanctioned was law from one end of the King of England's dominions to the other. He had no notion of that higher law which supersedes the mere letter of the statute-book, and which teaches that government of a free people must be administered in the interest of the governed, or else fall to the ground. The Americans were unanimously resolved not to be taxed; to continue the attempt to tax them was only to provoke opposition, which the experience of every day proved more clearly would result in open quarrel. Grenville knew well that his scheme would be met with resistance. He determined to overawe resistance by military force, and an army of ten

thousand men was ordered to prepare for service in the colonies. 

No time was lost in putting again into vigorous action those laws of trade which had been suffered to fall into disuse during the seven years' war. Orders were issued to the officers of the fleet which were stationed on the American coast to confiscate every ship that was engaged in the smuggling trade. A very lucrative traffic, in direct contravention of the navigation law, was at that time carried on between the American provinces and the colonies of Spain on one side, and between New England and the French West Indian islands on the other. With the Spanish provinces the colonies exchanged their own and British manufactures, against gold and silver, medical drugs, dye stuffs, and live stock; with the French the New Englanders bartered their native productions against the rum, sugar, and molasses of the French planters. This traffic had hitherto been connived at by the Custom-house officials: but the naval commanders, stimulated by the hope of prize-money and urged on by stringent orders from home, now seized the ships engaged in it, whether belonging to subjects or foreigners, and speedily paralyzed the trade. While the public mind was still agitated by this high-handed proceeding, Grenville ventured on another step in advance. Duties were imposed, for the avowed purpose of compelling America to contribute part of the cost of the last war, on molasses and syrups, and an additional duty upon white sugars of the growth of any foreign American plantation. This Act, commonly called the Sugar Act, was

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strictly enforced by the naval officers on the American station, and produced the utmost consternation among the people. Vast numbers of merchants were ruined, the business of the fishery in Massachusetts was broken up by the want of money to pay the men, large fleets of merchantmen rotted idly at the quays, crowds of seamen were thrown out of employ. The vessels employed to carry fish to Spain and Portugal were freighted with the plant which had carried on the fisheries and sold in foreign harbours; and, more than all, a virtual monopoly of the fishery was given to France, which was relieved by the action of our own government from any form of English competition.

English merchants trading with the plantations fared nearly as badly as the colonists. They could collect no debts, for the means of carrying on their trade were destroyed. They could dispose of no cargo, for their correspondents were reduced to beggary. But the English minister looked on unmoved. He saw that it would be impossible to obtain convictions for breach of the oppressive law which he had framed, if cases in which it was infringed were tried in the colonies to which the delinquent belonged. Vice-admiralty courts all over America were therefore directed to take cognizance of such cases on the spot where the infraction of the law took place. Thus, a trial by jury might be taken away, and a defendant forced from one end of the continent to another to support his claim in a Court of Vice-admiralty, at an expense, perhaps, out of all proportion to the value of the property in question.

Strong and energetic remonstrance arose all over the country, and concerted action began to be talked of. A pamphlet by James Otis, entitled, "The Rights of the British colonies asserted," was read in the Assembly of Massachusetts. Similar tracts appeared in Rhode Island, Maryland, and Virginia. Petitions to parliament poured in. That from New York was couched in such strong language that no member of parliament would undertake to present it. In Virginia the representatives agreed upon a petition to the King, a memorial to the House of Lords, and a remonstrance to the Ministry against the ruinous course they were pursuing.

The effect produced in England was curious. Many considered that the minister had gone too far, and that the Americans were being goaded into rebellion. Two acts were passed, with a view of conciliating the colonies; one, for granting a bounty on the importation of hemp from America into Great Britain; another for encouraging the whale fishery. But the rigid enforcement of the laws of trade were a present and sensible evil, the effects of the conciliatory acts could only be remote; the concession was attributed to fear, and the remonstrances poured in against the trade laws more fiercely than ever.

Grenville was now bent, with stubborn energy, upon his favourite scheme. The Stamp Act, in spite of some resistance, was passed by an immense majority. The news reached Virginia while the House was in session. Patrick Henry, afterwards so famous during the revolution, denounced it with such fiery eloquence, that he was interrupted by a cry of treason.

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Yet he said nothing that was not said a thousand times, and with still more angry emphasis during the next few weeks. The act was received with a roar of execration from one end of British America to the other.

There never could have been any well-grounded hope that the Stamp Act would have been quietly submitted to. Notice had been given of the intention to pass it through parliament, and the delay had been sufficient to allow all who were disaffected to the British Government to organize their plans of resistance. When the news of the bill having received the royal assent reached Boston, the ships in harbour hoisted their colours half-mast high; the bells rang a muffled peal; and copies of the act itself, with a death's-head printed in the place where the stamp is usually affixed, were hawked for sale about the streets.* Copies of it were burned by the mob in various places throughout the country. The thanks of the House of Assembly of Massachusetts were voted to General Conway and Colonel Barré, who had strenuously opposed its passage through the House of Commons; and many persons, supposed to favour the ministry, were hung in effigy on the branches of a great elm that stood in the market-place in Boston, and which received the name of Liberty Tree. Sermons were preached on the significant text, "I would that they were even cut off that trouble you;" and a mob, maddened by excitement and liquor, burned the houses of many of the king's officers, and destroyed not only the public

* Haliburton. Rule and Misrule in America.

files and records, but their private papers. In one of the towns of New Hampshire, a coffin, bearing the inscription, "Liberty, aged CXLV. years," was carried to the grave, attended by two unbraced drums, and an oration was pronounced in honour of the deceased. In Connecticut the collector of stamps was burned in effigy: so great was the excitement that that officer, as well as the newly-appointed collector for New York, resigned his situation. Lieutenant-Governor Colden's carriage was carried through the city, and drawn up beneath a gallows on the common, upon which a figure, made to represent the governor, was hanged with a stamped bill of lading in one hand, and a drawing of the Devil in the other. After allowing the effigy to hang for a considerable time, the mob made the whole pageantry, including the carriage and the gallows into a bonfire, which they set on fire amidst loud acclamations. All over the country similar indications of popular feeling took place. The stamp collectors were everywhere forced by the "sons of liberty" to resign their offices, and take refuge in flight. In Virginia the stamp-master had the option of resigning or seeing his house burnt down, and, on his choice of the former alternative, all the bells of Jamestown were set ringing, and the town was illuminated.

The more sedate portion of the inhabitants, though they took, of course, no part in the mere action of the mob, were no less inflexibly bent on resistance. An association was formed for the non-consumption or importation of British manufactures. Encouragement was given in defiance of English

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laws to American manufactures. Citizens of all ranks appeared in the streets, dressed in homespun materials, and even ladies bound themselves solemnly to wear nothing that was not made in the colonies. Nor was this the only important step that was taken. The General Court at Boston, taking into consideration the state of public affairs, passed a resolution that it was expedient that there should be as soon as possible a meeting of committees from the House of Representatives or Burgesses in each of the several colonies of the continent, to consult together on their circumstances, and the difficulties to which they were reduced by the late acts.* They then agreed that the first meeting of the general congress should be at New York, and directed letters to be forthwith prepared and transmitted to the respective speakers of the several houses of representatives to advise them of the resolution, and to invite them to join, by their committee, in the meeting. The committee of the House of Assembly of Massachusetts, who were instructed to take steps for carrying these resolutions into effect, proceeded by a unanimous vote to adopt several propositions which have acquired great celebrity as forming the basis of all subsequent declarations of American rights. They asserted that there were certain essential rights common to mankind, founded in the law of God and nature, and recognized by the British Constitution. That the inhabitants of the colonies were entitled to those rights, and that no law could deprive them of the enjoyment of them. That no man is entitled to

* Bancroft, 161.

take the property of another without his own consent, and that on this principle is founded the right of representation in the same body which made laws for raising taxes. That having taxes to pay for the support of their own government, it was unjust to expect them to assist in supporting that of England. That as the representation of America in the English parliament was impossible, it followed that America ought to be permitted to exercise all the powers of legislation on its own behalf.

Combinations against the trade of England soon became general. Merchants bound themselves, by the most solemn engagements, not to import any goods from Great Britain, to recall all orders already given, and not to dispose of any articles sent to them on commission. The people of Philadelphia also passed a decree that no lawyer should sue for money owing by Englishmen to persons in America, nor should any one owing money in England presume to pay his debt. Many Americans came to a resolution not to eat mutton lest the supply of wool should fail, nor to deal with any butcher who should expose sheep for sale. The most fashionable persons were content to set an example to their countrymen by dressing themselves in homespun clothes; and many who had formerly been conspicuous for their adherence to British fashions and materials, now made themselves equally remarkable by the eagerness with which they assumed the outward garb of patriotism.

On the appointed day, committees from nine colonies met at New York, and the congress was organized by the appointment of a president. In the

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course of a few weeks, a "Declaration of the rights and grievances of the colonies" was agreed to and transmitted to England. The resolutions found the English parliament in a very different temper to that which had dictated their arrogant replies to former remonstrance. The king had long felt for Grenville great dislike, and recent insults had increased that feeling to positive hatred. His Majesty first had recourse to Pitt; and, finding his old servant impracticable, by the advice of his uncle, the Duke of Cumberland, he intrusted the formation of a ministry to the Marquis of Rockingham. This nobleman was of a younger generation than the Whigs whom Pitt had displaced, or the party by which he had himself been displaced. The party which he led had, in 1765, never yet been in office, and its members numbered in their ranks but few persons who could bring strength to the government in the way of oratory or of official experience. But among them was one who was destined to excel in oratory the most celebrated members of the assembly in which he was now for the first time introduced: Edmund Burke was brought into parliament by the influence of Lord Rockingham, and appointed secretary to the minister.

1765 When Rockingham took office, every mail brought tidings more and more alarming. The discontent in America, and the interruption of commercial relations between that country and England, had ruined half the merchants of Bristol and Liverpool, and caused vast numbers of workmen in the manufacturing towns to be discharged. It was expected that disturbances of a formidable kind would be the result of

a policy against which all the great towns had already appealed in vain; and it was also expected, with equal confidence, that France and Spain would seize the opportunity of domestic discord to declare war against us.

There were, as Lord Macaulay points out,* three courses open to the ministers. One was, to enforce the Stamp Act by the sword; this was the plan upon which the king and Grenville were bent. The second, to regard the Stamp Act as a nullity; to pronounce it, as Pitt pronounced it, a bill which parliament was constitutionally incompetent to pass, and therefore of no more validity than Charles's right to ship-money or James's proclamation dispensing with penal laws. The third course was that adopted by Lord Rockingham and his colleagues: it is one which most statesmen have since concurred in approving; it was to assert the power of parliament, consisting of King, Lords, and Commons, as the supreme authority in the state, to pass any law whatever, but at the same time to repeal the Stamp Act.

It is obvious that no law can be of greater power than the body who made the law. No law could therefore destroy the legal competency of parliament to pass any statute, however foolish or wicked, and to make it binding on all parts of the empire. It was equally obvious that, to persist in attempting to enforce the Stamp Act against superior physical force, was—putting the intrinsic merits of the tax out of sight altogether—to render all law ridiculous. It was accordingly determined to repeal the Stamp Act.

* Essay on the Earl of Chatham.

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In the famous debate in which this course was decided on, Pitt spoke vehemently against the legality of the tax. He declared that he was glad that the colonists had shown the temper of Englishmen, and had not submitted to injustice. Three millions of people, he exclaimed, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of all the rest.

News of the repeal of the Stamp Act was received
1766 in America with the most lively demonstrations of joy. But the joy was called forth by the victory, not by the concession. The contest had shown indisputably that the colonies, when united, could defy the attempts of the mother-country to coerce them; and the repeal of one obnoxious act only made them more resolved to obtain the repeal of another. It was not understood—or, if understood, the fact was disregarded—that the withdrawal of the Stamp Act was intended by Rockingham's ministry as an act of conciliation; the change of government, and consequent change of policy of England, was not much thought of; the quarrel had been with the whole country, not with any section of her politicians; and the victory was looked upon as one carried off against the whole force of the country.

Rockingham soon began to find his tenure of power uncertain: he received scanty and grudging support from the king. Pitt held aloof; Grenville was actively and sleeplessly hostile; and a large number of politicians, on whose support he had counted, began to take orders direct from the king, and under his directions to thwart the king's minister. It became

impossible to carry on the government at all, and Rockingham resigned. CHAPTER X.

He was succeeded by Pitt, who, in an evil hour for his fame, acceded to the royal request and consented to form a ministry. Pitt had declared that the British parliament was incompetent to tax the colonies. Lord Charles Townshend, the new Chancellor of the Exchequer, had voted for the repeal of the Stamp Act, so that surprise was mingled with the indignation of the colonists, when they found that the first acts of the new government with regard to the colonists were as hateful and tyrannical as the Stamp Act itself. A bill was brought in "for the better support of government and the administration of the colonies," which provided for raising a transatlantic revenue, for maintaining a standing army in the colonies, and for securing permanent salaries to governors and judges, and thereby rendering them independent of the local assemblies. One clause enabled the crown, by sign manual, to establish a general civil list throughout every province of North America, with salaries, pensions, or appointments. It provided that, after all such ministerial warrants as are thought proper and necessary shall be satisfied, the residue of the revenue shall be at the disposal of parliament. At the same time a law was passed obliging the several assemblies to provide quarters for the soldiers, and furnish them with fire, beds, candles, and other articles at the expense of the respective colonies. An act was also passed for establishing a Custom-house and a Board of Commissioners in America. 1766

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The people of New York at once refused to admit the troops that were to be billeted upon them. As soon as the news of this refusal reached England, a law was passed for restraining the Assembly of New York from all legislative function until it had complied with the Act of Parliament for furnishing the royal troops with the requisite necessaries. All the colonies felt that their liberties were now indeed at stake. Men said that collision with the mother-country had become inevitable; that the rubicon was passed;* that such counsels "would deprive the prince who now sways the British sceptre of millions of free subjects."† The people of Boston encouraged one another to justify themselves in the eyes of present and coming generations. "Strength," they said, "consists in union; let us then be of one heart and one mind. Call upon our sister provinces to join us. Should our righteous opposition to slavery be termed rebellion, yet pursue duty with firmness, and leave the event to Heaven."‡ It was resolved to oppose the landing of the commissioners. Paxton, who was at the head of the Board, "must be led to Liberty Tree or the gallows, and compelled to resign."§

1767 A petition to the governor to convene the legislature of Massachusetts was rejected; and the inhabitants of Boston, on the 28th Oct., assembled in town meeting, and voted to forbear the importation and use of a great many articles of British manufacture: they appointed a committee to obtain a general subscrip-

* Bernard to Shelburne, Sept. 14th, 1767.
† Britannus Americanus in Boston Gazette, August 17th, 1767.
‡ Boston Gazette, Aug. 31st, 1767, letter to Edes and Gill.
§ Bernard to Shelburne, Sept. 21st, 1767.

tion to such an agreement, and ordered their resolve to be sent to all other towns in the province and to the other colonies.

Just at this time appeared the famous "letters from a farmer in Pennsylvania to the inhabitants of the British colonies." The author of these remarkable letters was one John Dickinson, "an enthusiast in his love for England, who accepted the undefined relations of the parliament to the colonies, as a perpetual compromise which neither party was to disturb by pursuing an abstract theory to its ultimate conclusions."*

The writer of the present pages has endeavoured to prove that the dealings of England with the colonies had hitherto been wise and just: Dickinson took the same view. He admitted that parliament possessed a legal authority to regulate the trade of every part of the empire. He examined all the statutes relating to America, from its first settlement, and found that all of them had been based on a principle consonant with justice and right, up to the time of Grenville. Never before did the British Commons think of trifling with the liberties of America, or of imposing upon them unjust legislation—much less did they ever attempt to impose duties on the colonies for the purpose of raising a revenue. "This," said Dickinson, "is a dangerous innovation. If once," he said, "we are separated from the mother-country, what new form of government shall we adopt, or where shall we find another Britain to supply our loss? Torn from the body to which we are united by religion,

* Bancroft, v. 75.

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liberty, laws, affections, relation, language, and commerce, we shall bleed at every vein... I would persuade the people of these colonies immediately, rigorously, and unanimously to exert themselves in the most firm but the most peaceable manner for obtaining relief. If an inveterate resolution is formed to annihilate the liberties of the governed, English history affords examples of resistance by force."

It was at this moment that a reconstruction of the English ministry displaced Shelburne, who had hitherto been President of the Board of Trade, and American affairs were committed to the care of a
1766 Secretary of State. The new office was filled by Lord Hillsborough. The first act of the secretary was to call on the General Court of Boston to rescind the resolution on which the famous letter to the other provinces was founded, on pain of dissolution. The order was debated, and a distinct intimation conveyed that the House had resolved by a majority of ninety-two to seventeen not to rescind. An address, stating what had been the action of Massachusetts in the matter, was sent to the other colonies, and was warmly applauded. Connecticut, New Jersey, and Georgia voted addresses to parliament; Virginia sent a memorial to the Lords, and a remonstrance to the Commons, against the acts of the late parliament, and were in consequence dissolved by the governor. The assemblies of Georgia and Massachusetts having approved the proceedings of Massachusetts, were also dissolved. The New York legislature had already been suppressed, on account of its refusal to make the required provision for the troops.

From remonstrance the colonists now proceeded to stronger measures. A revenue sloop which had made itself conspicuous in enforcing the Sugar Act was seized by a body of men in disguise, and burnt to the water's edge, and disturbances occurred in Boston which were exaggerated into dangerous riots.* When parliament met, papers relating to the colonies, and particularly relating to the recent riots in Massachusetts, were laid before the two Houses. The Lords recommended instructions to the governor of Massachusetts to obtain full information of all treasons, and to transmit offenders to England, to be tried there, under an old statute of Henry VIII., for the punishment of treasons committed out of the kingdom. At length, in 1769, the British troops, which had been camped on Boston common, began to receive insults from the people, which gradually grew into importance. They were followed by mobs, pelted and hooted at. If found alone, they were hustled and beaten; if in small parties, they were challenged to fight. At last they were forced either to keep altogether in their quarters or to go in sufficient numbers to defend themselves: so systematic was this usage that the people did not even refrain from it when the soldiers were on duty; and on one occasion the populace attacked a piquet of eight men so furiously that they fired into the crowd, killing three persons, and dangerously wounding five others. The town was immediately in a ferment. At a town meeting, it was resolved that, "nothing could be expected to restore peace and prevent blood

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1769

* Hutchinson to Richard Jackson, March 23rd, 1768. Gage to Secretary of State, Oct. 31st, 1768.

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and carnage, but the immediate removal of the troops."* The story of the Boston massacre, as it was called, was exaggerated into a furious and unprovoked assault by a brutal soldiery on a defenceless crowd, and the people were everywhere excited to madness; but the officers of the piquet, and of the main guard who went to its assistance, were defended by John Adams and Josiah Quincy, two of the leading patriot lawyers, and acquitted on their trial for murder; it is evident that the true story was not in favour of the mob.

Matters continued in this state of antagonism till the arrival of some tea-ships belonging to the East India Company, in Boston harbour. The measures of the colonists had already produced such a diminution of exports from Great Britain that the warehouses of the East India Company contained about seventeen millions of pounds of tea for which no market could be procured. The company determined to apply for leave to introduce it into America, charged only with the excise duty on landing, but exempted from export duty in England. By this means it would reach America cheaper than in times before the imposition of the excise duty. It was, therefore, only upon the ground of objection to the principle of the duty itself that America could resist. It was determined, unanimously, that the tea should not be permitted to land. Resolutions were passed denying the claim of parliament to tax America, declaring every one who should,

* A detailed account is given of the "Boston massacre" in Bancroft's History of the United States, v. 234.

directly or indirectly, countenance the attempt, as an enemy of his country, and requesting the agents of the East India Company to resign their posts. The agents, some cheerfully and some reluctantly, gave up their appointments, so that in a few days none remained. The company had determined to despatch its consignments simultaneously to Charleston, to Philadelphia, to New York, and to Boston.



The first cargo to arrive was that of Boston. The vessel was boarded at nightfall by a number of men in disguise, who broke open the chests and cast all the tea into the dock. The Pennsylvania ship was stopped four miles from the city, and sent home with the tea on board. The New York consignment was destroyed as that of Boston had been. The Charleston ship was unloaded, but the cargo was stowed away in a damp cellar, where it speedily rotted.

Intelligence of the destruction of the tea in Boston was communicated to both Houses of Parliament in a message from the throne. The conduct of the colonists was represented, not only as obstructing the commerce of the kingdom, but as subversive of the British constitution. Boston was selected as the object of vengeance, although it was evident that the opposition to the sale of tea was common to all the colonies. An act was passed closing the port of Boston, and the constitution of Massachusetts was changed, in several material points, by the abrogation of the charter, and placing increased power in the hands of the governor. As it was anticipated that riots would be committed in consequence of these acts, and that the jurymen of Massachusetts would re-

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fuse to convict, a third act was passed, providing that all persons accused of murder in Massachusetts should be sent to England, or to some of the other colonies, for trial.

In America these arbitrary enactments were naturally looked upon as forming a complete system of
1774 tyranny; and, on the arrival of General Gage, who was removed from Canada to assume the government of Massachusetts, a contest began between the general and his assembly which speedily assumed most serious proportions. Meetings were called and active resistance openly talked of. In the midst of these demonstrations the seat of government was removed to Salem.

The New York Sons of Liberty had meanwhile received the Boston Post Act direct from home, and acted upon the intelligence with fiery haste. A
May 1774 general congress was proposed, and invitations to attend it sent to every English colony on the continent. The colonists resolved on calling out their militia, and issued a manifesto exhorting each other to stand firm and prepare for resistance. By this time the partisans of the mother-country did not venture to show themselves in public. Every one who was even suspected of sympathy with England was subjected to the indignity of tarring and feathering. The king believed that a plot had been laid to "pitch and feather," as his Majesty phrased it, Governor Hutchinson himself. Warlike councils were broached in the provincial assemblies and congresses. Patrick Henry, in the Virginian Assembly, exclaimed that war was now inevitable; and, said he, "let it come. Gentlemen may cry, 'Peace, peace,' but there is no

peace." Henry Lee, another prominent member of that assembly, was talking to two of his colleagues in the porch of the capital; as they parted, he inscribed on one of the pillars, with his pencil, the lines from Macbeth— CHAPTER X.

> "When shall we three meet again,
> In thunder, lightning, or in rain?
> When the hurlyburly's done,
> When the battle's lost and won." *

The provincial Congress which superseded the General Court of Massachusetts, published in February an address, informing the people that large reinforcements of troops were expected in Boston, and that there was reason to apprehend the destruction of the colony. The assembly therefore urged the militia, especially the minute-men, to spare neither time, pains, nor expense to perfect themselves in military preparation. They also passed resolutions for procuring fire-arms and bayonets, and decreed an issue of provincial bills of credit to the amount of fifty thousand pounds. Military preparations were diligently pursued; artillery and other stores were collected at various places. Gage was roused to action by these evidently hostile proceedings; he sent an officer on the 26th of February with a party to seize the stores which had been deposited at Salem. But the object of their search had been removed to Danvers, and the soldiers at once advanced to the drawbridge leading to that place. Here a Colonel of American militia had mustered an armed party and drawn up the bridge. Leslie, the officer in command of the English detachment, desired them to lower it, 1775

* Graham. History of the United States, iv. 370.

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and, on their refusal, prepared to cross the river with some boats that were moored to the shore; but the peasantry around him, perceiving his intention, scuttled the boats with their axes. A conflict would have ensued at once had it not been for the prudent interposition of a minister of religion, who came forth from his church—it was on a Sunday morning—and persuaded the Americans to withdraw. In the meantime the stores had been removed, and the British detachment withdrew.

April 18 Another attack on stores amassed by the colonists at Concord did not terminate in so bloodless a manner. The British posted parties on all the roads leading to the town, with a view of intercepting any expresses which might be sent from Boston to alarm the country; yet messengers contrived to elude their vigilance, and communicated an alarm which rapidly spread. Every church rang forth its peal; signal guns and volleys of small arms sounded in all directions. The British troops found a small body of minute-men prepared to receive them. The provincials were challenged, and ordered to retire, and upon their refusal were driven in, with a loss of eight men, upon their main body, who had taken up a position within the town. The number of the insurgents was not sufficient to stand against the force of regulars which was opposed to them. A party of light infantry took possession of the bridge, and the main column entered the town and destroyed the stores which they found there, among them two cannon and a few hundred pounds of bullets. Meanwhile the American militia poured in in rapidly-increasing

numbers; the regulars were forced to give ground, and were ultimately compelled to retreat to Bunker's Hill, where they took up their position for the night. 1775



In this skirmish the first blood was drawn in a conflict which only terminated with the acknowledgment of American independence. It is not within the scope of this work to enter into the details of that memorable struggle, which was finally terminated by the recognition of America as an independent nation at the General Peace of 1783. 1783

# CHAPTER XI.

## ENGLISH, SPANISH, AND PORTUGUESE AMERICA, DURING THE REVOLUTIONARY WAR.

[1763—1815.]

Louisiana—Position of Canada under English Military Rule—Influx of English Settlers—The Quebec Act, 1774—Division of Canada into two Provinces by the Constitution Act of 1791—Growth of Antagonism between English and French Settlers—French Revolution—Revolutionary War—American War of 1812—Gallantry of the Canadians—Position of the Spanish Colonies—Mexican Revolution of 1810—Gradual Spread of Anarchy in Spanish America—Political State of Brazil—Removal of the Portuguese Monarchy to that Country—Declaration of Brazilian Independence.

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THE French colony of Louisiana enjoyed complete tranquillity during the whole course of the seven years' war. At the Peace of 1763 it was ceded to Spain in exchange for Florida, and the latter country was by the same treaty given over to England in exchange for some of the West Indian Islands.

Such of the Canadians as had not quitted the army
1759 after the taking of Quebec dispersed to their villages after the final seizure of Montreal, and the most profound peace was established throughout the country. It was soon hardly possible to see any remaining effects of the war which had so desolated the country round Quebec, which had been reduced to ruins and ashes. This district had for two years been occupied

by rival armies; the capital, twice besieged, was almost battered to pieces; the suburbs, which had been the theatre of three battles, showed the traces of desperate conflict. The inhabitants, ruined in purse and decimated in numbers, thought only of returning to their ruined farms, to restore there some semblance of their former prosperity.

The English took every precaution for guarding the acquisition they had made. Amherst selected a chosen body of his troops to furnish garrisons in the fortified posts, and sent the rest back to England, or distributed them over the other colonies. He separated Canada into three departments, and put them under martial law. General Murray was stationed at Quebec, General Gage at Montreal, and Colonel Burton at Three Rivers; each of these officers was accompanied by a Swiss secretary, through whom he made shift to communicate to the inhabitants.* General Murray established a military tribunal, composed of seven officers of the army, to decide even criminal and civil cases. General Gage, within his jurisdiction, softened in some degree the rigour of this arbitrary system, by allowing the captains of the old French militia in each parish to settle cases which arose between their countrymen, reserving to either litigant the right of appeal to the military commandant of the district or to himself. A little later he divided his government into five districts, in each of which he established a court of justice composed of not more than seven or less than five officers of militia, who reported according to the locality to one of the three

* Garneau, Histoire du Canada, 385.

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courts martial composed of officers of the English army, that were established at Montreal, at Varennes, and at St. Sulpice. The administration of such rude justice as could be dispensed under martial law was continued by the military tribunals until the Peace
1763 of Fontainebleau.

By the fourth and seventh articles of the Treaty of Peace of the year 1763, Canada was ceded to Great
1764 Britain. In the month of October following, about eight months from the conclusion of the treaty above mentioned, his Majesty published a proclamation erecting four new governments, those of "Quebec, East Florida, West Florida, and Grenada, in the countries and isles of America" which had been ceded to the crown by the definitive treaty. In this proclamation the king exhorted his subjects, as well of his kingdoms of Great Britain and Ireland as of his colonies in America, to avail themselves, with all convenient speed, of the great benefits and advantages that would accrue to their commerce, manufactures, and navigation, from the acquisitions ceded to him; and as encouragement to them to do so, he informed them that he had given to the civil governors of the four new provinces directions that as soon as the circumstances of the colonies would admit, they should, with the advice and consent of members of his Majesty's council in the said provinces, summon and call general assemblies of the people within the said governments in such manner as was used in those colonies and provinces in America as were under his Majesty's immediate government, and "that in the mean time, and until such assemblies could be called,

all persons inhabiting in or resorting to his Majesty's said colonies might confide in his Majesty's royal protection for the enjoyment of the benefit of the laws of his realm of England. That for that purpose his Majesty had given power, under the great seal, to the governors of his Majesty's said new colonies, to erect and constitute, with the advice of his Majesty's said councils respectively, courts of judicature and public justice within the said colonies for the hearing and determining all causes, as well criminal as civil, according to law and equity, and as near as may be according to the law of England, with liberty to appeal to the Privy Council."

About six weeks after this proclamation, the king issued a commission as Captain-general and Governor-in-chief of the province of Quebec, to Major-General Murray, who had been placed in command by Amherst immediately after the conquest of the town. The commission, and the instructions that accompanied it, seemed everywhere to take for granted that the law of England was in force in the province; they were full of allusions and references to those laws on a variety of different subjects, and did not contain the least intimation of a saving of any part of the laws and customs that prevailed there in the time of the French government.

Nov. 1766

It seemed, therefore, to be the intention of the king to establish in Canada the same laws as were in force in the other royal governments, and not to continue the municipal laws and customs by which the conquered people had hitherto been governed, any further than those laws might be necessary to the

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preservation of their property. It was the general opinion in England that by the refusal of General Amherst to grant the continuance of the ancient customs of Canada, and by the allusion to the laws of England in the fourth article of peace, sufficient notice had been given to the inhabitants that it was his Majesty's pleasure that they should henceforward be governed by English law; the English Government, therefore, not unreasonably concluded that by continuing to reside in the country, instead of withdrawing from the province within the eighteen months allowed for the purpose by the Treaty of Peace, the inhabitants had agreed to the proposed change.

General Murray at once proceeded to nominate a council of eight members, who, at their first meeting, passed an ordinance confirming the decrees of the military courts.

During the next ten years a considerable influx of British and American settlers poured into the fertile province of Canada, and settled down side by side with the French. At the time of the conquest the population amounted to about sixty-five thousand persons, who were chiefly settled along the banks of the St. Lawrence and its tributaries. Officers and soldiers who had served in the war on the Ohio, and against the Indians, were rewarded by grants of land, and liberal offers were made to all classes of emigrants at home with a view to absorb in a British population the original settlers of the French. But in the mean time the relations of Great Britain with her American colonies became so threatening, and the temper of the government at home so despotic, that the English settlers

began to fear that they were destined to remain for ever under military government, and that they were without any prospect of enjoying the representative institutions which had been promised by the proclamation of 1764. Pitt and Rockingham successively retired from the king's service, and left Grenville at the head of affairs. The Sugar Act, the Stamp Act, the two Quartering Acts, the Tea Duty Act, were passed in quick succession. The Boston riots occurred: it was natural that men who sympathized closely with their English brethren in America, and who saw with alarm the wholesale attacks which were made on liberty, should consider that the time had arrived when it would no longer be safe for them to refrain from remonstrance. The French, who found themselves much better off even under the martial law of the English than they had been under the grinding tyranny of their own countrymen, were contented, and averse to change; they had not the habit of political agitation, or of thinking for themselves on political subjects; these enjoyments were as necessary to the British colonists as the air they breathed. But the French could not understand the eagerness of the Anglo-Canadians for an assembly, and, in fact, dreaded any change which would put the restless spirits who had settled down among them in any more prominent position than they already occupied. As yet they were all, French and English together, under the autocratic authority of a military ruler,—a ruler, moreover, who, to use his own words, "gloried in having been accused of warmth and firmness in protecting the king's Canadian subjects."* They were

* General Murray's Report, in Smith's History of Canada.

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not accustomed to representative institutions, and far from considering themselves oppressed, they fully recognized the fact that they had never before been so prosperous or so little interfered with. It was true that the noblesse were insulted by the democratic Americans; but the noblesse had long taught Canadian "censitaires" that their joys and griefs were not necessarily sentiments to be held in common, so that the "habitan" looked on the humiliation of his seigneur with equanimity: when, therefore, in 1773, the inhabit-

1773 ants of Quebec called a meeting in order to petition the king for an assembly, several French gentlemen who attended the meeting, and at first promised to assist the English in their views, withdrew from the matter, saying that they would forward a petition of their own.

The petition of the English settlers reached home at an inopportune moment; tea was still floating in the harbour of Boston; English soldiers were every day in collision with the Boston mob; the northern colonies were, in defiance of the home government, issuing their invitations to the southern assemblies to send delegates to Philadelphia; everything in the old colonies announced revolution: Grenville with fierce obstinacy was nerving himself to resist to the last. It was at this moment that intelligence came that the English Canadians too were dissatisfied, and that in all North America the only men who refused to join in censuring and obstructing the English Government were the French Canadians, who had been but ten years under its sway.

The resolution taken by the minister was a momentous one, and one which produced all the evil

consequences that ensued. He determined to reverse the policy which had hitherto existed, to try the French system of governing colonies, since the English one produced nothing but violence and ingratitude. An act was framed uniting into one government all the country north-west of the Ohio to the head of Lake Superior and the Mississippi, and conferring the whole authority over this immense tract upon the executive. The demand of an assembly was not granted; but a council was appointed for provincial affairs, without the power of taxation, and removable at pleasure. To this council the Canadian Roman Catholics were equally eligible with the English settlers. But a far more important change was the substitution of French for English civil law. The cumbrous seigniorial code, with all its inconveniences and accumulated absurdities, the worst heritage of feudal times, was thus with gratuitous cruelty foisted upon a growing colony, within a few years of the time when Old France itself was destined to shake off the burden as intolerable. The Catholics were not displeased that the promise of representative institutions had not been kept. If the policy which had been followed since the cession of Canada had still been pursued, the legislature would have partaken of English nature and prejudices. No place would have been found within its walls for Roman Catholics. The whole French population would have been subjected to an oligarchy, hateful on account of their race, their religion, their position of conquerors. The military law, under which they had already existed for ten quiet years, would have been

Quebec Act. 1774

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far preferable to such a fate. The Canadian provincial nobility were still further conciliated by the proposal to enrol Canadian battalions in which they could hold commissions on equal terms with English officers.

The final provision of the Quebec Act was one which excited even more indignation among the English settlers than any of the others. The capitulation of New France guaranteed to the Roman Catholic clergy freedom of public worship, but the laws by which they collected their tithes were merged in martial law, and were no longer valid. By the Quebec Act they were confirmed in the possession of their ancient churches and their revenues; so that the Roman Catholic religion was as effectually established in Canada as the Presbyterian religion in Scotland.

Though the French were well satisfied, the effect upon the minds of the English settlers was unfortunate. They saw that the government at home deliberately intended to subject the English to the French race; they saw that they had but the wretched choice of abandoning their property, or of remaining in a miserable minority to be ruled by foreigners whom their countrymen had conquered and by whom they were disliked. They lost no time in forwarding a petition, in which they were joined by the merchants of London interested in the North American trade. This petition, which was presented by Lord Dartmouth, set forth, "that your lordship's memorialists, encouraged by the capitulation of Canada, confirmed by the definite treaty of peace, and his Majesty's royal proclamation of the 7th of October, 1763, did purchase lands, plant, settle, and carry on trade and

commerce in this province in a very considerable manner, and to the manifest advantage of Great Britain, in confident expectation of his Majesty's said proclamation giving express powers to his governor, with the advice and consent of his council, to summon and call general assemblies, to make, constitute, and ordain laws, statutes, and ordinances, for the public peace, welfare, and good government of the said province as near as might be agreeable to the laws of England. For which cause your memorialists have drawn up and transmitted herewith their most humble petition to the king, praying his Majesty will, out of his royal and paternal care of all his dutiful and loyal subjects of this province, be graciously pleased to relieve them from the apprehensions they are under of their property being endangered and losing the fruit of their labour, exposed to ordinances of a governor and council repugnant to the laws of England, which take place before his Majesty's pleasure is known, and are not only contrary to his Majesty's commission and private instructions to the said governor, but we presume equally grievous to his Majesty's new and ancient subjects. Your lordship's memorialists further see with regret the great danger the children born of Protestant parents are in of being utterly neglected for want of a sufficient number of Protestant pastors, and thereby exposed to the usual and known assiduity of the Roman Catholic clergy of different orders, who are very numerous in this country, and who from their immense funds have lately established a seminary for the education of youth in this province, which is the more alarming

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as it excludes all Protestant teachers of any science whatever."

This and similar petitions were, however, unnoticed, and the Quebec Act permitted to take its course. Emigrants continued to pour in both to Quebec and Montreal, especially after the peace with the United

1783 States in 1783. In that year, vast numbers of Loyalists withdrew from their homes in the old colonies rather than remain under any other dominion than that of England. Many of them settled on grants of land in Upper Canada, then almost completely wild and uncultivated, where they formed settlements on the north shores of Ontario that have since grown with unexampled rapidity, and now rank among the most flourishing industrial centres of the world. The new settlers consisted chiefly of the upper and middle classes in their own country; they were active and intelligent; their strong sense of loyalty had been well proved by their abandonment of their homes. All had thought and many had written upon political affairs. It may safely be said that no portion of the British possessions ever received so noble an acquisition.

A few years after the acknowledgment of American independence, and just before the breaking out of the French Revolution, the Loyalists joined with the older settlers in demanding some modification of the Quebec Act, and the establishment of a local legislature.

1791 The answer to this demand was the passing of what is called the Constitution Act. A line was drawn along the limits of the French settlements, dividing Canada into two parts, to which the name

of Upper and Lower Canada was given. The boundary, which ran along the Ottawa River, gave to the French moiety both the cities of Montreal and Quebec, besides the command of the navigation of the St. Lawrence. The intention of the Constitution Act had been to allow the old settlements of the French to remain as French as they liked, and to let the English congregate in the upper province. But in practice this plan was unsuccessful; though the English in Lower Canada were in a minority, they formed the most stirring portion of the population. The French habitan was of so conservative a nature, that he adhered without reflection, and without wish for change, to the old methods of husbandry which had been in use since the commencement of French colonization. He was of a nature lethargic as regards material improvement, contented with things as they were, and politically unambitious. Such a race could not fail to be under the absolute control of the Catholic clergy, and to be a ready tool in their hands. The numerical superiority of the French Canadians would enable their leaders to carry out any designs which national or religious jealousy might dictate. Among the English settlers, although their numbers were smaller, there was a far larger class who looked with intelligent interest on public affairs. With the peculiar instinct of the Anglo-Saxon colonist, every man considered himself fit to discuss and to criticise political events, and entitled to use for their regulation his influence and his vote. The ranks of the English settlers were recruited every day; the French received no accession of numbers. It was evident

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that by the mere lapse of time parties would become more and more equally divided, contests stronger and more frequent; and that the race which was now a numerical majority, made dominant by law, would eventually be in the position of a numerical minority, supported by law alone in its high pretensions. The Upper Canadians, who were exclusively composed of Englishmen, could not look with any favour on a regulation which placed the command of the magnificent highway of the St. Lawrence at the disposal of rivals, who, by the very fact of separation, were almost recognized by the legislature as enemies. The possessors of Quebec and Montreal might at any moment impose such duties on the navigation of the St. Lawrence as to shut the English Canadians out from any communication with the sea, save what they could obtain from the precarious courtesy of the United States, or by toilsome passage overland through the lower provinces.

Mr. Fox pointed out these objections in the debates on the bill; but the moment was even more opportune than that at which the English Canadians had formerly opposed the Quebec Act. Revolution was clearly at hand in France; it was impossible to tell how far the contagion might spread: at any rate, it was not considered a judicious moment for confiding more power than could be helped to the hands of English colonists, who, in the eyes of British legislators, were all Republicans at heart. It would have been only fair if those in authority had remembered that many of the men thus stigmatized were Loyalists, who had given up home, country, and property, rather than

prove disloyal. The Quebec Act, to which the Lower Canadians appealed as their charter, and which, as they said, promised them the enjoyment of French laws, was itself a breach of faith to those who had settled on the faith of the proclamation of 1763. The French pointed to that act, and said that it would be impossible for the British Government to deprive them of it, without gross breach of faith. The English exclaimed that a breach of faith had already been committed towards the British settlers, and urged the government not to confirm the evil by new enactments.

The remonstrance of the English settlers was completely disregarded; but some excuse must, in fairness, be made for the peculiar position in which Pitt, then at the head of affairs in England, was placed, in common with a very large body of his countrymen; Pitt was struck with terror and surprise at the recent excesses of the French Revolution. It was supposed, not without some reason, that the example of America had encouraged the republican feeling of France, and had been mainly instrumental in bringing it to a crisis. No political party was disposed to sanction any proceeding which might start another colony on the road to revolution, and give to the English people a fresh example of excess. A war was in existence with France, and the minister no doubt, in his inmost heart, felt what is patent to observers of our time, that he was not fitted for a war minister; he had no experience in conducting war, but he well remembered the state of England at the time when he entered public life, and he feared,

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with unspeakable dread, any step which might tend further to embroil his country.

At the close of the American Revolution, England was in a position which might well move the fears of her friends, and excite the hopes of her enemies. On many fields her armies were worsted by half disciplined levies of Americans. The House of Bourbon, humbled and defeated a few years before by the genius of Chatham, caught at the opportunity for revenge, and was arrayed against us. Our fleets were driven from the Mediterranean; the professed neutrality of the Northern Powers was not likely much longer to be preserved; our power was threatened in the East Indies and in Ireland; our home government was feeble, and little regarded; the king and his ministers were unpopular. In this state of affairs, Lord Shelburne became minister. His first
1783 care was to complete a treaty of peace which had already been partly negotiated by his predecessor, the Marquis of Rockingham. The terms obtained, though not by any means glorious, were as advantageous as the events of the war justified us in demanding. Some places in the Mediterranean, and in the Gulf of Mexico, were ceded, and the independence of the revolted colonies of England was acknowledged, but the main sources of her power were untouched, and her dignity preserved.

It had been the business of Pitt to prevent his country from ever again falling into the condition from which the peace of 1783 had rescued her. After the fall of Shelburne, and a few months during which the Duke of Portland and Charles Fox were in

power, the duties of minister devolved on Pitt. Eight years of peace succeeded, which were as tranquil and prosperous as any in English history. The nations who had been lately in arms against her, and who flattered themselves that in losing her American colonies she had lost one of the main sources of her strength, saw with wonder that she was now stronger and more prosperous than ever. Her trade increased: already the commerce which she carried on with the United States exceeded in value that which had existed during the colonial times of America. The English exchequer was full to overflowing. English arms were everywhere respected. France was obliged to recede from her arrogant pretensions with regard to Holland, and Spain from her aggressions on English commerce in Oregon. Internal discontent was lulled to rest, the king and the minister were loved and extolled by all classes of the community.

But as the signs of revolution became more and more clear in France, Pitt saw that he would be called upon to depart from the path which he had found so pleasant to himself, so beneficial for his country, and embark on a new scene of foreign, and, for aught he could tell, domestic strife. He can hardly be blamed for not, at this time of all others, giving full credit to the English Canadians for the loyalty which they professed, and of which many of them had given such convincing proofs, more especially because, from the nature of the case, the language of the English settlers was that of complaint, while the French asked nothing but to let matters alone.

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The policy of strict neutrality which Pitt at first adopted towards France could not long be maintained; an aggressive and revolutionary spirit ruled in France: "in one short summer," to use the words of Burke, "they pulled down their monarchy, their church, their nobility, their law, their army, their revenue." French nobles, of the highest and most ancient families, poured by thousands into England to pick up a precarious living in our towns as dancing-masters and professors of languages. The conven-
1792 tions now decreed that it would grant assistance to all people who wished to recover their liberty, and as a first step in that direction proposed to invade England with forty thousand men. An angry correspondence ensued between the English ministry and the French ambassador, in the midst of which the murder of Louis XVI. took place, and M. Chauvelin was ordered
1793 to quit London. On the 3rd of February war was declared with France.

After the peace of 1803 the British and Americans divided between them the carrying trade of the world. Each of these nations regarded the other with feelings of extreme dislike. It wanted but the arrogant pretensions of the British Government with respect to the right of search, to produce a declaration of war. In May 1806, Mr. Fox, then leader of the British Government, declared the courts of France from Brest to the Elbe to be in a state of blockade. In that year and the following Napoleon retaliated in the celebrated Milan and Berlin decrees. He declared the whole British islands to be in a state of blockade, authorized the seizure of any vessel of any nation bound to Britain,

and confiscated British goods under whatever flag they might be found. England again retorted by orders in council, declaring all countries under the power of France to be blockaded, whether actually blockaded or not.

Constructive blockade was a novelty in war. English ministers attempted to justify it on the ground that England having a thousand ships of war afloat, did actually blockade the whole world. The proposition has long been admitted to be absurd, but how much more absurd was the assumption of France, who, without a single ship of the line and only a few smaller vessels capable of putting to sea, declared the blockade of the whole British empire.

Neutral nations, such as the Americans, were of course sorely tried by the pretensions of the belligerents. By far the greater number of French merchant seamen had been pressed into the service of the State by the conscription, and English seamen by the press-gang, so that America almost monopolized the carrying trade of the world. An enormous merchant navy sprang up, upon which British orders in council and French decrees fell with overwhelming force. As the English cruisers swarmed in every sea, American merchant vessels bound for French ports, or ports under the protection of France, were captured by scores, while British ships were almost unmolested.

The Americans were treated but little better by France than by England; their ships were captured in neutral ports by France; French ships of war seized American merchantmen, and plundered or burnt them at sea; but the democratic party, eager to

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humble England, passed almost unnoticed the aggressions of Napoleon, and accepted every humiliation rather than quarrel with France. It was against England only that their indignation was directed; their desire was, in conjunction with France, to wrest Canada from England and extinguish the maritime and colonial empire of the British islands.

1811 was a period of universal ferment. Decrees, orders in council, proclamations, non-importation acts, non-intercourse acts, blockades, and embargoes brought the trade of the world almost to a standstill. America refused to receive British manufactures, and prohibited the export of cotton and rice of the United States. In November the President appealed to congress for men and money. Armaments were made during the winter, and in the spring of 1812 fresh supplies voted for the impending war. At length, while Napoleon, at the head of the "army of Russia," was pressing on triumphantly on his way to Moscow, while Wellington was squabbling with juntas and camarillas in Spain, the United States declared war against England.

Canada, in the struggle which ensued, held her own with great success. The troops of England were almost all employed in Europe; the only regular force at the disposal of Great Britain in the North American provinces was a detachment of the 41st regiment of infantry, a detachment of the 49th, and a few companies of pensioners and artillery—a little over nine hundred men in all. Sir Isaac Brock, a general whose name is still fondly recollected in Canada, and whose monument now marks the spot on

Queenstown Heights, where he fell at the head of his men, was at that time in command. Issuing a proclamation, in which he called the loyal subjects of the king to arms, he hurried at the head of the small force which he could collect towards the American frontier at Detroit. The Americans had collected in force at several points. Bodies of troops were concentrated at Detroit, and on the Niagara, the St. Lawrence, and the Richelieu rivers—strategic points on the boundary, whence it was supposed that concerted inroads might be easily made. In answer to General Brock's summons, the entire population came forward and tendered their services. The Indians placed themselves under their own chiefs; volunteer troops of cavalry and companies of artillery were organized with great rapidity, and in an incredibly short time the whole frontier, consisting of many hundred miles, was manned. The staff of the militia was organized, but it had never been exercised or drilled. The flank companies of each regiment, consisting principally of old soldiers, who had received grants of land in Canada for their services in the American revolutionary war, were instantly embodied, and formed the nucleus round which the whole force rallied, and became effective. It had been supposed that the route taken by Amherst in 1759, and by Montgomery, and Arnold, at a later day, would have been selected for the main attack. A force, assisted by the French, could without much difficulty have penetrated by the old way of the lakes and the Richelieu, to Montreal, which could have offered but slight resistance; but the war was by no means

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popular in the New England states. Citizens of those states expressed extreme abhorrence of France and its rule, and loudly protested against the introduction of French troops on American soil. During the whole war no attack was directed against any part of the extensive frontier, from Lake Champlain to the ocean.

1812 War was declared on the 27th of June, and on the 12th of July, General Hull, at the head of the American army of the West, crossed the Detroit river at Sandwich, in Upper Canada, whence he issued a proclamation, promising protection to those Canadians who would stay quietly at home, and declaring his intention to hang every man found in arms against the United States, especially if in alliance with the Indians. When Mr. Pickering, senator from Massachusetts, had asked in congress what force would be required for the invasion of Canada, General Porter had contemptuously declared that he wanted but a corporal, and a file of men to carry a flag. It was his belief that the country was disaffected to the British crown, and would rise in favour of the invaders. The boastful speech was soon belied. On the 17th of July, the American garrison of Michilimacinac surrendered unconditionally to Captain Roberts, R.N., and forty-five men. On the 18th, 19th, and 20th, a thousand Americans, under Major Denny, were three times repulsed in three attempts to cross the Canard river. On the 7th and 8th of August, Colonel St. George, with three hundred Canadian Militia, attacked General Hull at Sandwich, and drove him and two thousand five hundred Americans across the Detroit river, into the American

city of Detroit. By the 16th, Brock had crossed the Detroit in pursuit, had attacked and defeated Hull, and had compelled the surrender of himself, his army, the fort and city of Detroit.

In October, General van Ransellaer, with the American army on the Niagara, crossed that river and took possession of the English batteries on Queenstown Heights. The next day he fought and lost a battle, which was, however, dearly bought by the Canadians at the price of their leader's death. The Americans had crossed in the night, and when Brock heard of their arrival they were already in possession of the batteries. Mounting in haste, and followed by a single aide-de-camp, he galloped to the spot. He then placed himself at the head of the flank companies of his own regiment, the 49th, who had been in occupation of the batteries, and charged up the hill. Hardly had he got half-way up the steep ascent, when a rifle ball from the enemy terminated his career. Sir Roger Sheaffe, his second in command, whom he had ordered to follow with all speed, arrived with his four hundred Canadians and Indians, only in time to find his leader, together with a large proportion of the small force with which he had so gallantly advanced to the attack, dead upon the field. Amongst them lay John Macdonald, Attorney-General of the province, who was acting as aide-de-camp to Sir Isaac. Mr., afterwards Chief Justice, McLean, who was fighting as a volunteer, was among the wounded. Sheaffe was outnumbered, three to one. Dividing his force, he placed the Indians in the woods, and, at a preconcerted signal, attacked the batteries on the

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rear and both flanks simultaneously. No sooner was the dreadful Indian yell heard, than the enemy began to waver; many were taken prisoners, a few escaped, and many, in their panic, jumped over the precipitous banks of the Niagara into the stream beneath, or fell from rock to rock till their mangled corpses were caught in the trees at the base of the cliff. Among the prisoners was Colonel Scott, subsequently Commander-in-chief of the American army, who was sent to Quebec with the rest. A few days afterwards, General Dearborne, the American Commander-in-chief, made an unsuccessful attack on Toronto; and, in November, at Lacolle, in Lower Canada, General Wadsworth and the force under his command surrendered themselves prisoners of war. The actions which took place during the war were more than fifty

1813 in number. In the second campaign, General Wilkinson, commanding the American army of the North, made various attacks upon Canadian territory. Fights of more or less importance took place at the River Raisin in Michigan; York, in the lower district; Fort George, in the Niagara district; and also at Isle au Noix, Chateaugay and Chysler's Farm, in Lower Canada. At the close of the campaign, General Winchester, and his entire force, Colonel Boerstler, and Generals Chandler and Winder were prisoners of war, and the American fort commanding the entrance of the Niagara River, was in the hands of the Canadians.

1814 In 1814, the army of the North, under General Hampden, invaded Lower Canada. They were repelled at their three different points of attack—Lacolle

Mills, in Lower Canada; Fort Erie, in Upper Canada; and Long Woods, in the Western district. At the close of that campaign, the Canadians had made prisoners of all who had invaded their shores, not a foot of British ground was in the hands of the Americans; while on their whole line of frontier, from Buffalo to Fort Niagara, every house and haystack had been destroyed, in retaliation for the destruction of the Canadian village of Chippewa.

It will thus be seen that the Canadians behaved with the utmost gallantry during the three years of the American war. Up to that time, none of the evils which were predicted by Mr. Fox resulted from the separation of the Canadas. The lower province had a large majority of Frenchmen. The representation had been based upon the principle of population, and in the first assembly elected after the Constitution Act, thirty-five out of the fifty members of the House were Frenchmen; nor was there again, for many years, even so large a number of Englishmen as fifteen. The French majority, wholly unacquainted with the forms of parliamentary government, did not at first understand the power with which they were invested by their numerical superiority, and for some time proceeded with moderation and decorum. They, however, gradually began to indulge in views which were quite inconsistent with the rights of the English minority, or with the duties of English subjects; they learned to use the parliamentary ascendancy, granted to them by the policy of Mr. Pitt, for the subversion of English authority. It was not till after the peace of 1815 that their views became fully developed.

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They gradually ventured on a series of high-handed measures with every person who obstructed their views; all persons favourable to the executive were removed from the House; holders of high official stations were impeached; the judges accused of unfairness, and when the governor refused to remove them without previous investigation, they resolved "that his Excellency the Governor-in-chief has, by his answer to the address of the House, violated the constitutional rights and privileges thereof."

In all these complaints and proceedings the English minority took no part; they constantly affirmed that the only grievance under which Lower Canada could be said to labour, was, that it was given up to the control of men aliens by birth to Great Britain, who used the power given them by the English for the subversion of English rule. Owing to the division of the two provinces, the English, though forming a large majority in the two provinces together, were too hopelessly in the minority in Lower Canada, to make their voices heard with any effect.

Meanwhile, in the Upper province, there was no complaint whatever. Both provinces had obtained,
1791 by the Constitution Act, a governor and executive council, appointed by the crown; a legislative council, forming the second estate, also appointed by the crown, and representing the House of Lords, and a representative assembly or House of Commons. In Upper Canada, the population, composed exclusively of English loyalists, and completely in harmony both with the mother country and among themselves, occupied themselves with reclaiming their settlements

from the wilderness, and turning the desert into a garden, without indulging in any political dissension. In the war of 1812, they played the part of a brave, loyal, and united people.

The revolutionary war which found the new colonies of England loyal and prepared, and eventually caused the late possessions of our country to be arrayed against her, was fatal to the colonial power of Spain, and changed the destinies of the American possessions of Portugal. No amount of subserviency to Napoleon, on the part of Spain, would satisfy the tyrant whose far-reaching ambition

> "N'avait qu'un regard pour mésurer la terre
> Et de serres pour l'embrasser." *

The power which he obtained in Spain, far from satisfying him, only made him more rapacious. He was already able to dictate to the Court of Madrid, on the great questions of war and peace; he now wished to secure a complete and permanent sway by placing a prince of his own blood on the throne. With this view, Beauharnois, the French ambassador, commenced a series of intrigues at the Court of Madrid, which soon bore fruit. A treaty was signed at Fontainebleau for the dismemberment of Portugal. 1806
It was agreed that the northern part should be transferred to the King of Etruria, and the southern part to the Prince of the Peace, under the protection of the Catholic King; that the middle part should remain in sequestration for future disposal, and that the colonial territories of the Portuguese crown should

* Lamartine.

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be divided between France and Spain. Twenty-eight thousand Frenchmen were permitted by this convention to enter Spain under the pretence of proceeding to Lisbon; but a much larger number, under the command of Murat, embraced the opportunity of establishing themselves in the Spanish fortresses and garrison towns, and remained there, ready to play their part in the drama of treachery which had been prepared. Charles III. was induced to abdicate the throne, and Murat advanced upon Madrid, which he seized and occupied with French troops. Ferdinand, the Infant of Spain, and his father the deposed king, were successively induced, on various pretexts, to place themselves within the grasp of Napoleon, who then declared that the Bourbons should never more rule in Spain, and placed his own brother, Joseph Buonaparte, on the vacant throne.

1808 The first act of Joseph was to declare that Spain was no longer an absolute monarchy, and that he intended to confer upon his subjects the benefits of a liberal constitution, and to summon the Cortes, which had not for many years been permitted to take any real part in public affairs. News of the revolution in Spain created a great ferment in America, and raised high the hopes of the Spanish Creoles. The spirit of independence which was never quite forgotten, had asserted itself at various times of the Spanish dominions in bloody, though unsuccessful, revolt. But in 1808, when the dominant country herself ceased to be a despotic power, the people of Spanish America looked on at the birth of what appeared to be a new era of freedom, with keen anticipation that they might

obtain some approach to equality of right and some emancipations from colonial restrictions. They soon found that the popular assembly of Spain, though loud in expressions of attachment to liberty, and of admiration of free political institutions, proved itself to be with regard to Spanish America as deeply infected with the spirit of caste as the most haughty of the old conquistadores. The petitions of the people of the New World were answered with insult, and their demands either remained altogether unanswered or were replied to by threats and insults. The systematic disregard which was shown to the feelings and wishes of colonial Spain, combined with the long course of oppression under which it had suffered, brought about a feeling of burning hatred towards the Spaniards. The mother-country from the first day of its connection with the New World till its yoke was finally shaken off, exhibited towards its dependencies a monopolizing and grasping spirit, which wounded the self-love of the colonists and degraded their national character. A nation, or, as the provinces of Spain may fairly be called, a collection of nations, who were compelled for centuries to acquiesce in a position of inferiority little removed from actual slavery, could hardly be expected to show those great and self-reliant qualities which are usually exhibited in the hour of trial by free nations. When the time of emancipation came, they were found deficient in the moral qualities which alone would have been able to carry them through the perils and temptations of revolution. The character of the Spanish-Americans wanted altogether the ennobling influence of

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freedom; and their course since their political emancipation has proved bitterly disappointing to those who, like Mr. Canning, believed that they afforded materials which could be moulded into new forms of political life, and redress in the New World the balance of the Old. It was found that they had been too long and bitterly oppressed to be able to recover the unselfish instincts of freemen, or exercise the rights which they seized with the self-restraint which alone could give them value.

With regard to Spain herself, the loss of her American possessions must be regarded rather as a blessing than a calamity. Without the Indies, Spain has lost none of her political weight. Mismanaged and oppressed as they were, they added to, rather than diminished her embarrassments. The commerce she derived from them served only to enrich her enemies in time of war, or to retard in time of peace the industrial development of her people. She had ceased to be able to hold them with effect. Her military force was but just equal to the task of garrisoning a few of the great towns; many of the smaller towns were at the mercy of banditti, who took possession of the roads, and hardly condescended to move out of the way when a division of the royal troops was actually passing over them; trade was at a standstill, agriculture languished, the mines were abandoned, the troops wearied out, the rich in dismay: large bodies of the poorer classes formed themselves into predatory parties, who wandered over the country, plundering and devastating wherever they went. Such was the

account given by a Spanish general to his court in 1814.



More than once during the revolutionary war, the policy of attacking Spain in America by assisting her provinces to revolt, was debated in the English cabinet, and abandoned only from a sense of the incalculable miseries which such a course would entail upon mankind. Mr. Fox, on his accession to office in 1806, distinctly disavowed the liberation of Spanish America as part of the policy of his government. But although the scheme of liberating the creole Spaniards was not entertained, one scarcely less impracticable was gravely propounded. This was to induce the Spanish-Americans to transfer their allegiance from the Spanish to the English crown. It was not till convincing proofs had been given that the Spanish creoles, however eager they might be for independence, had not the smallest intention of exchanging one servitude for another, that the scheme was definitely abandoned.

The first colony in which any serious attempt at revolution occurred was Mexico, which rebelled in 1810. The whole of Spanish America was soon after in a ferment; but it has been justly observed* that the revolt was rather a universally diffused anarchy than a national movement. Officers collected a few score of armed peasants to their standard, and called themselves generals; but they were in reality little better than bandits. Wherever a popular government succeeded in establishing itself for a few weeks, the first act of the legislature was in-

* Quarterly Review, cviii. 308.

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variably to vote to its own members enormous salaries. Atrocities at which humanity shudders were committed by either side which happened to obtain a momentary ascendancy; thousands were butchered, not in the excitement of battle, but after fighting had ceased. The capture of a town was usually followed by an indiscriminate slaughter of the inhabitants. The republican governments, as they were called, set up by the liberators, were in reality military despotisms, which, instead of devoting themselves to the establishment of something like permanent institutions, quarrelled with neighbouring peoples in the same condition as themselves, and commenced unprincipled wars of aggression before they had themselves fairly escaped from the throes of revolution. Peru and Buenos Ayres both commenced a series of such wars in the first moments of their political existence. Columbia was the scene of a dozen revolutions and counter-revolutions, none of which resulted in keeping their authors in power beyond a few months at a time, and at last split up into three independent republics, which carried on a furious internecine struggle amongst themselves. Chili, within four years, underwent two revolutions, which were succeeded by a prolonged civil war. In Central America a republic was declared; but a civil war broke out within a few months of its establishment, in which one half of the population gave no quarter to the other half. Every part of the vast district which was once under the dominion of Spain was in the early part of the present century the theatre of endless and meaningless petty wars, got up usually

by some adventurer, who having scraped together a few pistoles for the purpose of bribing a handful of mutinous and half-starved soldiers to revolt, rallied round him a few of the lowest rabble, and set forth on his own account to burn, devastate, and destroy the unhappy land. It would be useless to give any detailed account of these frightful scenes. Each revolution originated in Spanish oppression and wickedness; but when the yoke was thrown off, the emancipated people found that they had miscalculated their powers, that long misgovernment had banished public spirit, bravery, constancy, out of the land, and had left them fit only to remain in slavery. Nothing but such a government could have formed such a population, nothing but such a population would have tolerated such a government.

While anarchy and ruin thus overspread the greater part of the beautiful continent of South America, the Empire of Brazil won an independent existence without bloodshed, and kept it with credit. The Dutch conquest of Brazil, and its reconquest by the Portuguese, has been mentioned in a former chapter. The country long remained under the close and oppressive monopoly imposed upon it by the Portuguese; but in 1808, when Napoleon invaded Portugal, 1808
the regent embarked, with the royal insignia, for Brazil, which at once assumed the dignity of an integral part of the kingdom. The ports were opened to the commerce of the world; the printing-press was introduced; learning was encouraged; the enormous resources of the country were explored; foreign

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settlers were invited to establish themselves; embassies were sent to European powers of the first rank, and diplomatic agents received. New towns and harbours were planned; new life was breathed into every department of the state. After a few years, the state of affairs in Europe compelled King John VI. to return to Europe, as the only chance of preserving the integrity of the monarchy. The Cortes of Lisbon invited their sovereign to revisit his ancient capital, and deputies from Brazil were summoned to attend the sittings of the National Assembly. But before the deputies could arrive, the Cortes had resolved that Brazil should be again reduced to absolute dependence on Portugal. A resolution more senseless or more impracticable can hardly be imagined. The territory of Brazil was as large as all Europe put together; Portugal was a little kingdom, isolated and without influence among the monarchies of the Old World; yet it was deliberately decreed that all the monopolies of the exploded colonial system should be revived, and that England should be deprived of her free trade to Brazil.* The king appointed his eldest son, Dom Pedro, Regent of the new kingdom, and soon after took his departure for Lisbon, with many of the emigrant nobility. Dom Pedro assumed the government under

1821

* Commerce and industry, which can never prosper but under the benignant shadow of peace, had not only been despised and relinquished, but seemed even entirely destroyed by the unlimited licence granted to foreign vessels in all the ports of Brazil; by the fatal treaty of commerce with England in 1810, by the consequent decay of trade and national manufactures.—Manifesto of the Portuguese, 1821. See Empire du Brésil. M. Angliviel de Beaumelle. Paris, 1823.

the perplexing circumstances of an empty treasury, a heavy public debt, and the provinces almost in revolt; Bahia disavowed his authority, and the Cortes withheld their support from him. The regent reduced his expenditure to the monthly sum allowed to his princess for pin money; he retired to a country house, and observed the most rigid economy. By great exertions he reduced the public expenditure from $50,000,000 to $15,000,000; but the northern and internal provinces still withheld their taxes; the army became mutinous, and the ministers of his father, who still remained in power, were unpopular; the regent, in despair, demanded his recall. But the Brazilians were at length disarmed by his noble conduct; they recognized his activity, his beneficence, his assiduity in the affairs of government; and the habitual feelings of affection and respect for the House of Braganza, which had for a moment been laid asleep by distrust, were reawakened with renewed strength.

It was fortunate that the quarrels which disturbed Brazil were accommodated before the arrival of intelligence from Portugal. Hardly had the king arrived in Lisbon, when he found himself obliged to assent to a constitution which treated his Brazilian subjects as mere colonists; succeeding mails brought orders more and more humiliating to the Brazilians. The design of declaring Brazil an independent kingdom, grew more and more in public favour; but the prince was unwilling to place himself in direct rebellion to the crown of Portugal, and steadily adhered to his determination to leave America. At

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length, it is related, a despatch was delivered to the regent, which he declined to show to any of his ministers, but which evidently excited in his mind no ordinary emotions of anger: he crushed the paper in his hand, and moved away to a window, where he stood for a few minutes in thought; at length he turned to his council with the words "Independençia ou morte:"—the exclamation was received with tumultuous cheers, and was adopted as the watch-word of the Revolution. The Portuguese troops were sent back to Europe.

The Cortes of Lisbon were now anxious to recall their obnoxious decrees; to admit the deputies from Brazil; to make any concession that might be demanded. But it was too late: the independence

1822 of Brazil was formally proclaimed in August, 1822, and in December of the same year, Dom Pedro was crowned as the first Emperor of Brazil. This is the first, and as yet the only instance of a modern colony achieving its independence, and separating itself completely from its metropolis without bloodshed.

# CHAPTER XII.

## ESTABLISHMENT OF PARLIAMENTARY GOVERNMENT.

[1815—1848.]

Establishment of Responsible Government—Powers of Colonial Governors —Rebellion Losses Bill.



AFTER the peace of 1815, a vast influx of English settlers took place, both into Upper and Lower Canada; many thousands of men disengaged from the war having now to settle in a home, sought one in those provinces. The immediate result of the immigration was dissension in both provinces: in Upper Canada, the new comers found that the old settlers had established themselves into a kind of aristocracy, very exclusive in its nature, and exercising a cramping influence on the energies of those who settled among them. The old Loyalists almost monopolized power in the executive and legislative councils, and in the assembly; nor could the new comers obtain, in any department of life, the advantages to which they believed themselves entitled. In Lower Canada, the quarrel became still more deadly; the French, hitherto undisputedly in the ascendant, began to fear for their nationality. English settlers settled in and around Montreal and Trois Rivières in such numbers, that they were able

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to organize a strong and united opposition, and send to the assembly at Quebec a minority fully determined not to allow French claims to pass without challenge. Thus, in both Canadas, the unwonted spectacle of an opposition was seen; but in Upper Canada it was formed of the newly arrived English exclusively, and in Lower Canada the new settlers only reinforced the English, who had hitherto languished in a hopeless minority.

The French had still power to carry their views in the Lower Canadian assembly, and make whatever complaints they pleased to the home government, ostensibly in the name of the whole population of the province. Disputes arose, which extended over the whole period of the administrations of the Duke of Richmond, Lord Dalhousie, and Sir James Kempt. Complaints multiplied, public meetings were held, violent speeches made, and, finally, delegates were appointed to demand a redress of grievances from the Imperial Parliament.

1828 The Parliamentary Committee, to whom the complaint of the delegates was referred, made a report which was acknowledged to be an able and impartial one. A remedy was ordered for every grievance that could be alleged; but the French, whose object was not to obtain relief of grievances, but to have something to complain about, passed fourteen resolutions, embodying some of the old and a few new grievances, and appointed an agent to advocate their claims. Lord Aylmer, who had recently arrived in the province as governor, could not but feel astonished that the same people who had so lately expressed

their delight and satisfaction at the proceedings of parliament, and who knew that the recommendation of the committee was in train of execution, should again be as clamorous as ever; before attending to the new matters which were brought before him, he prudently entreated that the assembly would bring forward at once every grievance of which they could complain, in order that nothing might be produced at a future time, after those which were now alleged should be redressed.

The answer of the assembly was characteristic. They declined Lord Aylmer's request to add anything to the fourteen resolutions, which were accordingly sent home. But before action could be taken upon them, no less than ninety-two resolutions of fresh grievances were passed by the assembly. By this time all the disorders, the remedy of which lay with the government, had been removed, and only those which required the co-operation of the assembly itself remained untouched. It was evident that the French majority had asked what they did not require, and hoped would not be granted, in order that refusal might serve as the pretext of fresh agitation. The ninety-two resolutions submitted to Lord Aylmer fell to pieces on examination. Some of them were repetitions of the grievances already redressed, some were merely declamatory, some were mere compliments to politicians in England who were supposed to be favourable to the cause of the complainants; nothing really new was contained in them. The resolutions were referred, like the others, to a committee, who reported that "the utmost anxiety had existed on the

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part of the home government to carry into effect the suggestions of the committee of 1828, and that the endeavours of the government to that end had been unremitting, and guided by a desire in all cases to promote the interest of the colony, and that in several important particulars the endeavour had been successful. Memorials, contradicting the statements of the French in every particular, were sent by the English settlers. The government, therefore, determined to send a commission of inquiry, of which Lord Gosford was the head, to inquire into the matter on the spot. Lord Gosford was reminded that he went on a mission of peace and conciliation, that he was to exercise a spirit, not of distrust, but of confidence, and that he was to remember that his success would depend, not only on the ability and fairness of his inquiries, but on his perfect separation from all local and party disputes, and on his own unquestioned frankness and impartiality.

The arrival of Lord Gosford cut the ground from under the feet of the French; they could no longer urge grievances with damaging effect when a board was at hand to investigate and remedy them; so unreasonable were they, that the act of investigating the complaints they had themselves made was resented as an indignity offered to the assembly, whose word they said should be accepted without question or remonstrance. Knowing that the instructions given to the commission were of the most conciliatory character, and that nothing more could be obtained by the continued assertion of grievances, the French boldly threw off the mask and asserted their right to independence.

The words of Montcalm, uttered in 1759, were now literally fulfilled. "Les Anglois font ils une conquete, il faut qu'ils changent la constitution du pays, ils y portent leurs loix, leur coûtumes. Voilà les Canadiens transformés en politiques, en negocéans, en hommes infatués d'une prétendue liberté, qui chez la populace tient souvent en Angleterre, de la licence et de la nardin."* The Canadians, although they affected to consider every institution and usage of their own so sacred as to admit of no change, were not so scrupulous as regarded those of the English. The respectful conduct of the government formed a curious contrast with the insolence of the French. They passed an act to make notice of action, served on the attorney-general for damages against the crown, legal and binding. If the suit went against the crown, it was provided that execution might issue against the governor and his furniture, or the guns of the fortress.†

It was long before hopes of agreement were abandoned. The governor opened the legislature with a conciliatory speech, to which the assembly replied by stopping the supplies. For four years no appropriation of provincial funds was made, and the officials, who depended upon their offices for support, were reduced to the greatest distress and the government to a dead lock. At length the crown resolved to concede no longer. It was necessary for parliament to interfere, and Lord John Russell proposed and carried the six famous resolutions, for which he has been, according to the bias of the speaker, so much praised and so bitterly abused. The most important of these was

* Montcalm to M. de Molé, August 24th, 1759.

† Haliburton. Rule and Misrule in America, ii. 257.

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that the administration of the hereditary, territorial, and casual revenues of the crown should be applied to the payment of the arrears due on account of the established and customary charges of the administration of justice, and of the civil government of the province, without the intervention of the assembly.

That something must be done was clear. "There was no power to make new laws, no means of paying those who administered the old ones, no appropriation for the public service in any department; schools were neglected, roads unrepaired, gaols unprovided for, temporary laws expired, confusion and disorganization everywhere."*

1837 In December, 1837, two persons, arrested for sedition, were rescued by some armed peasants, and immediately afterwards Lower Canada was in a state of open rebellion. The infection soon spread to the Upper province; but the disease was there shown in a very modified form. The demands, too, of the provinces differed from one another. The Upper Canadian minority, excluded from power by those who were in possession of office, saw that their only chance of obtaining their fair share of influence in the administration was by making the executive council responsible to the assembly. The Lower province demanded that the legislative council should be made elective.

Immediately on the breaking out of the rebellion, the constitution of Lower Canada was suspended; the revolt was put down at once, and with little difficulty. Though the outbreak in Upper Canada showed that a comparatively small portion of the

* Haliburton. Rule and Misrule in America, ii. 264.

population was disaffected to the government, there were some sharp skirmishes before the smouldering fire was completely trodden out. The writer of these pages has frequently heard the events of that time described by men who took a prominent part in the scenes which they narrated. The traveller in Canada will often find that the friend at whose hospitable table he is entertained, or the merchant with whom his unwarlike business is transacted, himself commanded a company of volunteers when the rebels were marching on Toronto, or pulled an oar in one of the boats which reconnoitred Navy Island or cut out the Caroline.

On the night of the 4th December, 1837, when all Toronto was asleep, except the policemen who stood sentries over the arms in the city hall, and a few gentlemen who sat up to watch out the night with the Adjutant-General of Militia in the Parliament House, the alarm came that the rebels were upon the city. They were under the command of a newspaper editor named Mackenzie,* whose grotesque figure was until very lately familiar to the frequenters of the Canadian House of Assembly. Rumours had been rife for some days past of arming and drilling among the disaffected in the Home and London districts: a witness had sworn before the magistrates that bags filled with pikeheads were concealed in a blacksmith's

* This person united considerable boldness and originality of views with a most acrimonious disposition and extraordinary personal activity. The writer has seen him, during the excitement of debate, leap at a single bound on to the table of the House of Assembly, though at the time of performing this singular feat he must have been more than seventy years of age, and from the shortness of his stature the table was on a level with his chest.

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forge near the town. The alarm threw Toronto into commotion. Everybody was stirred to activity save the governor, who came down in his shirt to see what was the matter, and retired again to bed, grumbling at having been disturbed. While the rebels were approaching, Mr. Cameron, then a student at law, and since solicitor-general, rushed to ring the great college bell; while others, mounting in haste, galloped about, rousing the Loyalists from their beds, and in default of keys, breaking open the door of St. James's Church with axes, in order to add its peal of bells to the general alarm. The volunteers were formed in the market-square during the night, and well armed. In point of discipline, even in the first instance, they were not wholly deficient, many of them being retired officers and discharged men from both the naval and military services. The arm-chests in the market-place were broken open, and the muskets and accoutrements delivered to each man as he arrived. By daylight upwards of five hundred men were formed into one battalion of ten companies, with officers and sergeants duly distributed. Among those carrying muskets stood the late Chief Justice Robinson, though he held rank as a colonel of militia. The Adjutant-General, Colonel Fitzgibbon, requested him to fall out and take the command, but he declined, saying, in an animated tone, that the example he thus set would have an encouraging effect. Towards morning news came of a smart skirmish which had occurred during the night, in which a party of the rebels were driven back, and their leader killed. During the succeeding day and night, loyal yeomen kept pouring in to act in defence of the crown. Sir

Allan, then Colonel, Macnab, the Speaker of the House of Assembly, who had already seen service in the war of 1812 as a sailor under Sir James Yeo, and subsequently as a soldier under General Brock, raised a body of his friends and adherents in the course of the night and following day, and, seizing a vessel in the harbour at Hamilton, hurried to Toronto. The arrival of the Speaker with his "men of Gore"—as they were called, from the name of the district in which they were raised—was hailed with delight by the Loyalists. The rebels were defeated and dispersed next day, at a place some two miles from Toronto. In this action, the Speaker took the command of the volunteers, which he kept during the subsequent campaign on the Niagara frontier, and till all danger was over. While the rebels were in full retreat, after the battle of Toronto, towards a tavern where Mackenzie had established his head quarters, Colonel Fitzgibbon and one of his sons, with Captain Halkett, a son of the chief justice, and Mr. Maitland, rode as hard as they could in advance of the column, on the track Mackenzie had taken, which led towards the woods. Maitland, better mounted than the rest, pressed Mackenzie so hard that the rebel left his horse and ran into the forest just as his pursuer got within pistol-shot. Mackenzie soon rallied his scattered adherents, and seized Navy Island, just above Niagara Falls, where he was joined by large numbers of American "sympathizers," who came to the spot on the chance of a quarrel with the English. On receipt of this intelligence, the Speaker hastened from the neighbourhood of Brantford (where

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he had just dispersed a band of insurgents under the command of a doctor named Duncombe) to reinforce Colonel Cameron, formerly of the 79th, who had taken up a position at Chippewa.

Navy Island, an eyott some quarter of a mile in length, lies in the Niagara River, within musket-shot of the Canadian bank. The current runs past the island on both sides with great velocity, and immediately below it, hurries over the two miles of rocks and rapids that precede its tremendous leap. The rebels threw up works on the side facing the Canadians. They drew their supplies from Fort Schlosser, an American work nearly opposite the village of Chippewa, and employed themselves diligently in concentrating their forces for another attack on the Canadas. As long as the communication remained open between the island and the American shore, a land force could not hope to produce any impression; it therefore became necessary to organize a flotilla: three schooners, and all the boats that could be found on the Canadian bank, were hired to transport the troops: a volunteer crew proceeded to reconnoitre the enemy, and select a place for a landing. The boat was allowed to proceed unmolested the entire length of the island on the American side, but when she rounded the end and proceeded to descend the stream, the bank nearest to Canada was lined with the sharpshooters of the insurgents. The whole Loyalist force was encamped on the bank, and the men crowded down to the river-side to witness the exciting race. The officer in command stood up in the stern-sheets, while the gallant little crew pulled for their lives

along the front of the insurgents. They swept within ten yards of the mouth of a field-piece, from which as they passed they were saluted with a harmless fire of grape. It was afterwards discovered that the gun was pointed by an American officer from West Point, who had come out, as he said, for a day's shooting on the island. In this manner the Loyalists proceeded about half a mile, cheered by their comrades on the one bank, and fired at by the rebels on the other, without the loss of a man, or any other casualty than a broken oar.

A schooner had been seen plying between Fort Schlosser and the island several times during the day, and had brought over several field-pieces and other military stores; it therefore became necessary to decide whether it was not expedient for the safety of Canada to destroy her. Great Britain was not at war with the United States, and to cut out an American steamer from an American port, was to incur a heavy responsibility. Nevertheless Colonel Macnab determined to assume it. From the lake sailors, and such adventurous spirits among the Loyalists as possessed the necessary qualification of pulling a good oar, crews were selected to man seven boats. Five of these were intrusted to lieutenants in the royal navy, one to a merchant-captain, and one to Captain Drew, R.N., who commanded the expedition.

The moon had not set when the boats started. In order to understand the exciting nature of the service they were going to fulfil, it must be remembered that they pulled absolutely across the head of the great rapid; that a wounded man, or a broken row-

lock would have sent them, without a chance of rescue, over the falls: moreover, it was even doubtful whether, with all their skill, and under the most favourable circumstances, boats could make head against the tremendous stream. For some minutes after the adventurous party had left the bank they tugged at their muffled oars in silence; but before they were half way across it was whispered among the crews that they were not making headway, and that they were drifting over the falls. Happily the commanders, though one of them at least was fully convinced that the terrible foreboding was true, succeeded in reassuring the men, and a few minutes' observation of stationary lights on the bank proved that the suspicion was in truth unfounded. The boats were fortunate in hitting off the very spot they desired, just off Fort Schlosser; and though a light was visible at the steamer's mast-head, a small low island near the fort concealed them. It was not yet dark, and they lay upon their oars for nearly three quarters of an hour, till the moon went down. About midnight they proceeded to attack. As they drifted alongside the vessel with the current, the watch hailed the boats for the countersign; but before the alarm could be given the boarders were on deck. A smart skirmish ensued, in which several of the Americans were wounded, but no lives lost. Ropes by which the vessel was moored alongside the wharf were cast off, and the steamer was set on fire. At this moment a young man, named Sullivan, discovered that the Caroline was fast under water. Cold as it was he jumped down, broke the ice, and cast off the chain.

The Americans had now assembled in force, and were smartly engaged with a party under Lieutenant Elmsley, which had been detailed to cover the attack. The signal was given that the service was sufficiently performed; and the whole party hurried to their boats under a brisk fire from the shore. The doomed steamer swiftly drifted down to her fate: she was on fire fore and aft. No effort was made to guide her, and from her position in the stream it was supposed that she would go over the American falls: but such was not the event; she made her own way across the river, passed on the Canadian side of Goat Island, and, in presence of thousands of spectators, went blazing over the British fall. 

For a short time after the outbreak the constitution was suspended, and the province remained under martial law. A permanent court-martial sat at Montreal, and considerable bodies of troops garrisoned the city. Upper Canada was safely left to the protection of the loyal men who had defended it in the time of trial. But it daily became more evident that, though martial-law must speedily be abandoned, the old system could never be restored. Under these circumstances it was determined to send the Earl of 1838
Durham to Canada, with full power to examine and report upon the best means of governing Canada for the future.

Lord Durham's appointment was twofold. He was governor-general and commander-in-chief of all the North American provinces, and also lord high commissioner, to inquire into, and, if possible, adjust all questions about civil government then pending in

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Upper and Lower Canada. His powers were understood to be unlimited, that of granting a general amnesty to all concerned in the rebellion being one of the most important.

The high commissioner landed at Quebec on the 29th of May, and at once proceeded in his work of pacification. The French at first held sullenly aloof, and the hopes of the English section were raised high. But the judicial impartiality of the high commissioner was not likely to please either of the parties who had so lately been engaged in civil strife; and existence, as each believed, was involved in the issue of the inquiry in which Lord Durham was now engaged. A general amnesty, published in Upper Canada, had rather the effect of displeasing the Loyalists than of reclaiming the affection of the disaffected; but several measures for internal government were more successful, and in a short time quiet was completely restored. Lord Durham and his coadjutors were meanwhile busily engaged in collecting materials for the celebrated report, which perhaps has had more effect than any other state-paper upon the future happiness of a large portion of the Anglo-Saxon race. One of the principal measures to which the high commissioner was inclined was the federation of all the North-American provinces. It seems to be *primâ facie* evidence in favour of the scheme of federation, on which our transatlantic colonies are even now engaged, that on all occasions where the ordinary machinery of government has proved insufficient, recourse has at once been had to the principle of confederation. Delegates from Nova Scotia and New Brunswick were

busily engaged, with others in Canada, in discussing the details of the proposed union, when Lord Durham's recall put an end to their deliberations, and postponed for the time the arrangement of terms, though all were understood to agree upon the principle. Proceedings in parliament, by which the plenary powers conferred on Lord Durham were much curtailed, and some of his acts disavowed, induced Lord Durham to return home towards the close of 1839. 1839



In the following year an act was passed for the union of Upper and Lower Canada, and the re-establishment of civil government in the latter province. 1840 It was not possible, after the entire break-down of the old system, to recur to it: Lord Durham's advice was to establish a form of government which should resemble, as far as circumstances would permit, the constitutional government of this country. "The experience," said he,* "which we have had of a government irresponsible to the people of these colonies, does not justify us in believing that it would be very well administered. . . . The only power that can be effectual at once in covering the present disaffection, and hereafter obliterating the nationality of the French Canadians, is that of a numerical majority of a loyal and English population; and the only stable government will be one that is more popular than any that has yet existed in the North-American colonies."

The carrying out of this scheme, however desirable, was yet fraught with no inconsiderable difficulty. To abandon entirely to their own devices a colony

* Report, p. 220.

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in which the ashes of civil discord were yet smouldering, and which for two years had been kept in check only by martial law, must have appeared to statesmen who were proceeding experimentally, and on whom the responsibility of failure would fall, a course fraught with danger. While we admire the success which has attended a form of government far more uncontrolled by the crown than that which Earl Russell conceded in 1840, we cannot but admit that the noble Lord's courage and his caution were alike worthy of praise. Earl Russell pointed out what he considered the necessary distinctions between the government of a colony and of this country. He stated that although responsible government, as understood by the colonial assemblies, was open to objections fatal to its utility, he saw no objection to the adoption of the views advanced by Lord Durham. At the present time the government of the North-American provinces is in the hands of legislative assemblies, from whose ranks an executive council or cabinet is selected to advise the governor. These cabinets are responsible to the assemblies, and hold office only while they can command a majority in the provincial legislature. Before the rebellion, the council which assisted the governor had held office for life or during good behaviour. Earl Russell announced that office-holders should in future be called upon to retire when the public service seemed to require it.

1840 At the time when the Canada Act was passed, which united the provinces of Upper and Lower Canada, the disaffection of the French settlers was general. They were aliens in speech, in manners,

in laws, and in affections. Their jurisprudence, especially, was in a hopeless state of embarrassment. English law was introduced at the conquest; French law was admitted by the Constitution Act; the colonial legislature and colonial courts speedily added a third form of procedure. Colonial law trimmed between one code and the other; it attempted to explain anomalies in the English code by the aid of feudal law; it attempted to evade the intricacies of the seigniorial tenure by reference to the English statute book. The result, as might be expected, involved a mass of contradictions and anomalies which was the delight of lawyers and the despair of suitors. It was thought that by uniting under one government the Anglo-Saxon population of Upper Canada and the French of Lower Canada, the distinctive characteristics of the latter race would speedily die out, and that the cumbrous seigniorial code would disappear before the superior convenience of English law. There was another consideration which was probably weighed by the framers of the Canada act: it would have been unadvisable to leave the French in a lower position in the social scale than their brethren in Upper Canada,—to compel them to remain under institutions more or less despotic, while their neighbours in the west were exercising the privileges of self-government; and it would have been equally unadvisable to allow them to perpetuate by means of a separate assembly those feelings of French nationality which had already once incited them to rebellion, and which would if not discouraged prevent them from becoming loyal subjects of the English Crown.

1759
1792

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As the rebellion had been crushed in the upper province by the unassisted efforts of native Loyalists, a party in Upper Canada with some reason considered itself as the sole representative of loyalty. It was, therefore, hardly possible when the union had been effected, and the united legislature met for the first time under the speakership of Sir Allan Macnab, that persons who had lately encountered each other in the field should regard each other with much complacency in the Senate. The French Canadians failed to acquire due consideration in the new parliament; and although Lord Sydenham's instructions were to carry out and establish, as far as possible, the theory of constitutional government, the circumstances of the time, and the necessarily disjointed state of parties, together with his own great administrative ability, forced him to assume the attitude of an arbitrary governor. Under Lord Sydenham's successor a little step in advance was made in the constitutional history of the colony, but Lord Metcalfe, who succeeded Sir Charles Bagot, became involved in a series of disputes with the assembly, which, whether his conduct were right or wrong, involved a retrograde movement in the state of political affairs. Lord Metcalfe entertained, on a subject of importance, a difference of opinion with his council. The constitutional practice in such a case would evidently be to dismiss his advisers, and to summon assistance from the ranks of the Opposition. If these failed to obtain the support of the assembly, an appeal to public opinion by means of a dissolution of parliament might be had as a last resort. If the result of

that appeal were adverse to the views of the governor, his only constitutional course would be either to give way or to resign to her Majesty the trust which circumstances rendered him unable to fulfil. It is useless now to discuss whether it would have been possible in the then state of parties and in the then existing constitutional knowledge among colonial politicians to have recourse to such expedients. Lord Metcalfe pursued a different plan. He effected his object indeed, but it was by quitting the vantage ground of neutrality, upon which a colonial governor ought to stand, and by throwing himself as a partisan into the ranks of one of the great parties by which the colony was divided. The result was, that the Opposition directed their attacks no longer against the advisers of the governor but against the governor himself, and the crown, which he represented. The party by whom Lord Metcalfe was supported, backed as it was by the authority of the governor and the crown, naturally considered itself as the party of loyalty; and as the opponents of that party gradually began to acquiesce in the estimate that was formed of them, the act of the governor was indirectly the means of exciting disaffection.

The temporary embarrassment which Lord Metcalfe had to face was for the moment obviated, but a greater danger was left in reserve: in all representative assemblies, a majority has a tendency to become weak and a minority to be strengthened. It became evident that as soon as the minority which had been industriously stigmatized as disloyal, acquired sufficient strength to supplant its opponents,

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the partisans of the crown would no longer be the dominant power in the state. Lord Metcalfe was compelled by illness to retire from his government, and died, before the difficulties which he evidently saw no means of surmounting, had come to a crisis: he was succeeded by Lord Cathcart, a governor whose purely military education fitted him very little to face constitutional difficulties. He was placed in office on account of the danger which existed of a rupture with America, and as soon as the Oregon negotiations had been settled, Lord Cathcart was succeeded by the Earl of Elgin.

That nobleman found himself surrounded by special difficulties. It was his object to escape from the necessity of depending for support upon a party, as Lord Metcalfe had found himself compelled to do. The result of the policy he pursued was to transfer power from the hands that had wielded it so long to the French Canadians and the Liberal party in Western Canada. The feeling of these politicians when possessed of power, was very different from the spirit which possessed the same gentlemen in opposition. The disloyalty with which they had been reproached, if it had ever really existed, vanished beneath the sunshine of prosperity. Lord Elgin, although he very naturally incurred the dislike of the party who had been accustomed to consider themselves as the rightful possessors of authority, preserved to the end of his administration the attitude of neutrality which he originally assumed. His government passed through trying times. One of the first questions which he had to dispose of involved a

dilemma in which no governor would willingly find himself placed. A Bill was brought in, indemnifying those not absolutely concerned in the rebellion for losses incurred during the contest; the Bill, as might be expected, was argued by both parties with a degree of heat to which the recollection of recent civil disturbance could alone give birth. The Loyalists who fought for the crown in that struggle might assert, that after defending the rights of England with their lives and property, it was cruel and unjust that they should be taxed to pay for the damages which had been committed by order of lawfully-constituted authorities. Their opponents might assert that if an indemnity meant anything, it meant not only immunity from punishment but oblivion of the past; that it was not intended to indemnify those who had actually taken up arms against the sovereign; and that those who had been convicted by a jury of their countrymen of being implicated in the disorder, were specially exempted from the benefit of the Bill. Lastly, they might assert that they lived under a constitutional government; that the Bill was constitutionally carried by a parliamentary majority; and that by the fundamental rule of our constitution the decision of the majority was binding. The circumstances are almost too recent for one who witnessed the heartburnings of that time to pronounce with absolute impartiality; it seems to be one of those cases in which, to the actors, right seems almost in abeyance, and feeling takes its place. It is certainly one of those questions upon which a free nation must be allowed to decide for itself, by means of its legally-constituted parlia-

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ment. The Bill was passed by both houses; but the party who had acted with Lord Metcalfe asserted their conviction that the Queen would refuse to sanction an act of such deep ingratitude to those who had fought for her cause. They requested Lord Elgin to withhold the royal assent, and to send it home for the decision of her Majesty. To accede to this request was to shift on to other shoulders a responsibility which rightly belonged to himself. The constitutional forms which he had been sent out to establish, recognized no difference between one Bill and another, provided no prerogative of the crown was invaded by it. The duty was a painful one, but the constitutional course was plainly to assent, in the Queen's name, to the Bill. Lord Elgin's performance of this duty was made the occasion of serious riots, in which, however, the uneducated classes only took part. From that time the impartiality of the governor was emphatically pronounced; and it is probable that this single act has in itself been very signally instrumental in placing constitutional institutions on a firm foundation. Parliamentary government may from that time be considered as fairly established in Canada: similar institutions were, at the same time, given to Nova Scotia, New Brunswick, and shortly afterwards to Newfoundland. Since then it has been the object of successive governors to develop constitutional principles in British America, and to naturalize English forms and precedents; with what success those will best appreciate, who have most carefully watched the warm loyalty and wonderfully rapid development of her Majesty's transatlantic possessions.

# CHAPTER XIII.

## PROPOSED FEDERATION OF BRITISH AMERICA.

[1848—1865.]

Ministerial "Dead Lock" in Canada—First Proposal of a Federation—Commercial Position of the Colonies proposing to join the Federation—Description of the Plan.



ALTHOUGH the general provisions of the Canada Act have been in many essential particulars a benefit to the colonies, one provision of that Act has been productive of gradually increasing embarrassment, and, at length, has mainly prompted the resolution of which we see the fruit in the projected confederation of the British American provinces.

By the Act of Union, an equal number of members was assigned in the United Assembly to Upper and Lower Canada. The arrangement was at first considered to be in favour of the Upper Canadians, who were at the time inferior in point of numbers to the inhabitants of Lower Canada. But the tables were soon turned: emigrants from England, from Scotland, from Ireland, from Germany, poured into the country, and naturally settled down among their own countrymen, in the fertile upper country; while the French were hardly recruited by means of immigration at all. The character of the French habitans moulded, by events which have already been described, differed

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widely from those of the active and energetic race which nominally formed with them one people. They were slow, and behind the world in agriculture; the people of the Upper province were keen advocates for labour-saving machinery and improved methods of cultivation. They were closely under the dominion of their priests; the Upper Canadians had too much of the Scotch element in their character to do more than offer bare toleration to Catholics. Lastly, they retained French habits, songs, language; and the races did not amalgamate. It naturally happened that the less energetic people fancied that they were ill treated and shouldered aside in the everyday affairs of life; they began to stand upon the rights conferred by the Act of Union, and obtained, as their rivals averred, an undue influence in public affairs, by the expedient of combining with any section of Upper Canadians who happened to be temporarily in opposition. The Upper province bore the inconvenience for a considerable time without complaint, but as they grew in population the evil became more galling. The rule which had worked well when Upper Canada was numerically inferior to the lower province, was found oppressive when a small minority was able virtually to control a large and energetic majority. A demand arose among the Upper Canadians for representation in proportion to population. It was contended that with two races, two languages, two systems of religious belief, two sets of laws, it was impossible that, without sacrificing their principles, public men of both sections could remain together in the same government; the difficulty, it was said, went

on increasing from year to year. The West continued to increase in population, till Upper Canada exceeded the Lower province by 400,000 souls, and paid by far the larger moiety of the taxes, without enjoying a proportionate representation. One election followed another, one "ministerial crisis" followed another, without bringing any solution for the difficulties in carrying on the government of the country. Discord and agitation were constantly carried on among that section of the people who busied themselves with politics, and at last differences grew to such a height that they resulted in a complication to which the Canadians gave the expressive name of "the dead lock," in which all government was suspended, and neither party could form an administration which was not strangled in its birth. CHAPTER XIII.

At length, in July 1864, the Canadian ministry, with Mr. Macdonald at their head, were defeated by the Opposition, headed by the great advocate of representation by population, the Hon. George Brown, member for Toronto; this was only one of a series of alternate defeats and victories, and Mr. Brown knew that any government, which he formed in consequence of his victory, would be at once upset in its turn by a new combination of the Opposition. 1864

Already the difference which existed between Upper and Lower Canada had produced in both divisions of the province a degree of exasperation of which Englishmen have but little conception; the more violent of the French Canadians talked of returning to the state of things which existed before the Canada Act, when each section of the province

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had its own legislature and its own laws. This state of feeling was alarming; it could not be supposed that the Upper Canadians would allow matters to remain permanently in a position so unfair to their interests, nor was it likely that the French would resign the position of equality in which they had been placed by the Imperial Act of 1840. An appeal to England would have involved, if the sovereign had consented to decide the point in dispute, an expression of opinion which might have had a disastrous effect upon the loyalty of one if not both of the provinces. It would have been hardly possible to allow Quebec and Montreal, the strategic keys of British America, to be placed under the sole control of a province which was in the act of separating from a neighbouring British territory, avowedly on the ground of nationality; nor would it have been possible to induce the eastern province to consent to a remodelling of their constitution without a struggle which might prove most dangerous to the public peace. It was resolved that a compromise should be effected; that Mr. Brown and a few of his political friends should join their late opponents; and that the question of representation by population, which seemed unattainable by itself, should be merged in the larger question of the federation of the British North-American provinces. This decision was announced by Mr. Brown to the Canadian Assembly in a speech which is likely to become historical in Canada, as the first public step towards the formal amalgamation of the different provinces which will hereafter form one of the most powerful nations of the New World.

The federation of the provinces was no new proposal. The Duke of Newcastle had, in 1862,* given the assent of the British Government to the principle, and had stated that he considered that it should emanate, in the first instance, from the provinces, and should be concurred in by all of them which it would affect. "I should," he wrote, "see no objection to any consultation on the subject amongst the leading members of the governments concerned. But whatever the result of such consultation might be, the most satisfactory mode of testing the opinion of the people of British North America would probably be by means of resolution, or address, proposed in the legislature of each province by its own government." 1862

It will not be necessary to examine, at any length, a project which may possibly never come in a formal shape before the consideration of the English Government. The legislature of Canada is known to be favourable to the scheme; New Brunswick is just passing through the political excitement of a dissolution of its parliament, in order that the question may be decided by a new assembly fully qualified to represent the views of the province upon it; Nova Scotia would probably refuse its assent to the federation if New Brunswick led the way; Newfoundland is understood to be entirely favourable; Prince Edward's Island does not consent even to discuss it. Such is the position of the various provinces concerned; it may therefore be thought that in a book bearing in some degree an historical character a mere project such as this ought not to detain us long; nor

* July 6th, 1862.

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is it proposed to do more than notice some of its more prominent characteristics; but it would be impossible to conclude a work written with a view to appreciate the value of our colonial policy, without regarding its latest fruit with some curiosity, and examining, as well as imperfect data will allow, the import and tendency of a proposal such as that which has been provisionally sanctioned by the Imperial authorities.

The provinces which it is now desired to join in one federation are of great extent, and each will bring into the proposed union elements of national strength which are wanting in the others. If it be allowable to take the vast area of the North-West, of British Columbia, and Vancouver's Island, into the calculation —and all of these will no doubt some day join the confederacy—they would be in point of territory the most extensive country in the world. In round numbers the superficial area may be stated at nearly 3,000,000 square miles, or upwards of 500,000 square miles larger than the territory of the Federal and Confederate States combined, and within 250,000 miles as large as the whole of Europe put together. This extensive district has within it means which will make it a most formidable political organization: the population of the Canadas and the maritime provinces, without counting the inhabitants of the North-West and of the Pacific colonies, is over 4,000,000, and the number of men fit to bear arms is not less than 500,000; they have sixty or seventy thousand men who could be readily made available as sailors, for the defence of their water frontier; there is besides a constant and

increasing emigration from the United States; every day makes the United States less desirable as a residence; and it may be confidently anticipated that large numbers will take refuge in Canada, from the terrors of financial embarrassment and conscription.

Situate within the temperate zone; with a fertile soil, a healthy climate; well wooded and watered; with 1,500 miles of coast washed by the Atlantic, with thousands of bays, coves, and inlets for trade or shelter; a river and lake navigation altogether unequalled; the new confederation possesses all the elements necessary for success.

The detached provinces are in themselves as capable of development as the Federation; but want of cohesion would be a fatal barrier to national strength. Canada is cut off from the seaboard during half the year: destitute of coal, it labours under disadvantages which no art or enterprise would be able to overcome, and which would ever stand between it and the full development of national greatness: on the other hand, the lower provinces would from their size never be able to form first-class powers for defence or aggression.

As a Federation, they would be in a different position; their inhabited territories would be larger than any European country, except Russia; their unoccupied land, containing the germ of three great empires, could support a hundred millions of souls, and grow cereals enough for that purpose. Newfoundland is rich beyond any other country in maritime resources; in the unexplored and rocky fastnesses of the interior it is probable that great

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mineral wealth is concealed. Nova Scotia has unrivalled harbours; and though some of them are in winter shut up by ice, Halifax is always open, and will no doubt become the great emporium of the west; it will be the Portsmouth and the Liverpool of the new confederation. The minerals of Nova Scotia are almost inexhaustible; her iron and coal will render the confederacy independent of foreign aid.

With its great extent of sea-coast, British North America, if consolidated into one power and obliged to undertake its own defence, would have to depend to a greater extent than is generally supposed upon a naval force, which has yet to be brought into existence. The elements of such a force exist in abundance, and only require the transforming hand of necessity to give them the shape in which they could be used with effect. Nearly all the provinces possess an abundance of timber suitable for the building of ships; they build for sale elsewhere, as well as for their own use, a large number of vessels. The number of ships used by them for the purposes of commerce form in the aggregate a commercial fleet which is exceeded by that of only three nations—England, the United States, and Russia: it therefore ranks as the fourth in the world. Of the five provinces, Nova Scotia is the highest in this respect and Canada the lowest. The ships owned in British America may be estimated, as far as imperfect returns will permit an approximation, at 652,174 tons. A large part of the shipping of the maritime provinces is engaged in the fisheries, in which Canada has not yet joined. Besides the tonnage belonging to British North America,

her commerce requires for its accommodation 30,000 vessels, measuring in round numbers 6,250,000 tons—nearly double the tonnage engaged in the commercial marine of France; it is therefore obvious that British America contains within herself the principal elements of a great naval power. She has besides, an extent of sea-coast, fisheries, and opportunities for commerce, which will cause that marine rapidly to increase. Her imports already exceed those of the United States forty-three years ago. In 1821, the total value of the goods imported into the United States was only a little over 62,000,000 dollars, of which over 10,000,000 worth were re-exported; those of British America are now nearly 70,000,000. At the same date, the exports of the States were less than 65,000,000, an amount not very largely in excess of those of British America at the present time. The commerce between Canada and the other provinces is not large, the exports being less than 1,000,000 dollars last year, and the imports scarcely exceeding 500,000. This intercolonial trade would receive a great impetus from a political union of the provinces, which would give them a common tariff and break down the barrier which Customs' duties now raise between them.

There is considerable diversity in the products and pursuits of the provinces of Canada, which may be set down as a lumbering and an agricultural country; Nova Scotia as a fishing, agricultural, and commercial province; Newfoundland as a huge fishing station; Prince Edward's Island as a fishing and agricultural country; while New Brunswick gives its chief attention to the forest.

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Not the least important element of the material prosperity of the federation are the fisheries upon its coasts. When, in 1763, France ceded Canada to England, she reserved to herself the right of fishing and drying fish on part of the coast of Newfoundland, which had been previously secured to her by the treaty of Utrecht; but the French were not to resort to the island beyond the time necessary for fishing and drying fish. From Cape Bonavista to the northern part of the island, and hence by the western side to Cape Biche, is the part of Newfoundland on which alone the French are entitled to catch fish and dry it; but in the gulf they are not allowed to exercise the fishery nearer than within fifteen leagues of Cape Breton. The islands of St. Pierre and Miquelon
1763 were reserved by treaty as a shelter for French fishermen; but it is provided by the same treaty that they should not be fortified or have any buildings erected on them, except for the convenience of the fishery, and that no force beyond a guard of fifty men should be kept upon them. In the treaty by which, in 1783, the independence of the United States was guaranteed, the citizens of the republic were secured in the right of fishing on the grand bank and the other bank of Newfoundland, as well as in the Gulf of St. Lawrence and "all other places in the sea where the inhabitants of both countries used at any time heretofore to fish." They were left at liberty to resort to every part of the coast used by British fishermen; and, though they were not permitted to dry or cure the fish on the island, they might do so "in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Island,

and Labrador," a right which was to cease whenever any of those places should become settled, unless they could make their own terms with the inhabitants. They had also the right to fish on the "coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America." By a convention between England and the United States in 1818, the parts of the coast of Newfoundland on which the Americans should enjoy the liberty of fishing were defined, and to their previous rights was now added that of drying fish on the southern coast of Newfoundland. The States at the same time renounced the right of fishing within three miles of any part of the British coast in America, or of curing fish thereon. But American fishermen might enter any bays or harbours on the prohibited coast, for shelter, for the repair of damages, or to obtain supplies of wood and water. 1818



Thus it happened that while the French had exclusive rights of fishery in some parts of Newfoundland, the inhabitants of the island had only a concurrent right with the Americans. Jealousies sprang up, and it was found very difficult to prevent the occurrence of disturbances similar in character to those petty private wars which took place in the early whale fishery of Davis's Straits. These difficulties were removed by the Reciprocity Treaty in 1854. The Americans are not now restricted as to the distance they should fish from the British shores, and they may land for the purpose of curing their fish or drying their nets. They are, however, prohibited from taking shell-fish on our coasts. British subjects have a right of fishing on the eastern coast of the 1854

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United States to the 36th parallel of north latitude, but it is of no practical value.

There is no part of the British American coast where the fishery cannot be prosecuted with success; at Labrador, Newfoundland, Cape Breton, on the eastern shores of New Brunswick, and Nova Scotia—at Prince Edward Island, the Magdalen Islands, and at Anticosti; but though the fisheries thus surround the British American coasts, they are most extensively prosecuted by subjects of France and citizens of the United States. By Canada they are almost entirely neglected; it is worthy of note that Canada is the only one of the provinces that offers a bounty for the encouragement of the deep-sea fisheries, and that she is the only province that does not pursue this branch of industry to any extent worth mentioning.

France and the United States both pursue the policy of giving bounties: France pays from 530,000 to 540,000 francs a year, averaging about 17*l.* to each man engaged in them. The policy of granting bounties is defended by the French partly on the ground that the fisheries act as a nursery for seamen who could not be so cheaply trained in any other way, and partly on the ground that the French pursue their industry at a great disadvantage of distance from having no possessions in the neighbourhood except two rocky islets. The number of French seamen engaged is under twelve thousand. From 1820 to 1851 the Americans paid $8,000,000 in bounties on fish; and the same policy is still pursued. Without the aid of bounties, the English provinces export beyond their own consumption of

fish, the value of about eight millions of dollars and a half a year.

Such are the various provinces which it is now desired to unite on the principles of a Federation. It was at first intended to attempt the formation of a legislative union; many of the framers of the plan still express in their speeches their approval of that form of union, and their regret that it was necessary, in order to obtain a compromise on which all might agree, to abandon the idea. But the French Canadians, if they feared for their nationality when it was merely a question whether Upper Canada should return a few more members to the Canadian assembly, could by no means be persuaded to agree to a proposal which would make them a small, and numerically an insignificant minority of a large Anglo-Saxon assembly. The idea was, therefore, formally abandoned, and a plan adopted which, as we ought not to disguise from ourselves, contains, amidst much that is admirable and sound, some of those evils which are implied in divided and possibly antagonistic authority. Legislative union might perhaps have acquired a monarchical tendency, and have relieved us of some dangers which now appear inherent in the scheme; a Federal union must in its nature be democratic. A few of the obvious advantages which will arise from the proposed union, in whatever shape it may come, have already been indicated. Some of the points on which it may clash with Imperial interests will be considered in the next chapter: the scheme is not without opponents in the provinces, or entirely free from objections apart from

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those which may be considered as of Imperial importance.

Mr. Sanborn, for instance, a Lower Canadian member of considerable experience, is reported to have made the following remarks in a speech to his constituents:—

"Is a federation of the whole of the North American provinces desirable at all? I am by no means convinced of it. I was strongly inclined to oppose it; my visit to the lower provinces has mollified my opposition somewhat. The objections to it are patent and forcible. The shape of the territory to be brought under one government is not favourable. It is a band of earth, including the North-West territory, of more than two thousand miles in length; the width of land available for tillage is comparatively narrow; it has a frontier exposed nearly along its whole length, and a seaport only at the eastern extremity. It is taking a great deal of pains for our extreme North-Westers to journey all the way to St. John or Halifax to snuff the sea-breeze—it is taking a great deal of pains and trouble to keep on our own territory.

"The next objection to federation of all the provinces is the greatly increased expense. We shall have a large proportion of the expenses of the general government to sustain, while we must have in Canada at least two subordinate legislatures to keep up. If we have a government comprising all the provinces, it will be necessary to have in some form the attributes of a nation. To our present expenses will be added the maintenance of our own

defences and the treating with foreign governments; we cannot have a greater name and combined influence without a more expensive outfit. The revenue, which is now devoted to the support of schools, the administration of justice, and the development of internal improvements, will go for the support of the general government, and all these internal expenses must be sustained by direct taxation. It will necessitate the building of the intercolonial railway, and the sustaining of it; no one has yet demonstrated that such a road can be self-sustaining as a mercantile enterprise. Situated as we are, the great proportion of our population being agriculturists, good livers but not rich, having a competency but not much spare capital, are we prepared for what such a federal government will bring? I am not yet convinced of it, though I do not wish to pronounce against it. I have my doubts whether we can better our relations to England, or our relations in each section of Canada to the other. Lower Canada may prefer to concede the principle of representation by population, with guarantees of her local laws and cherished institutions, to a federative government in which she has no better status with much additional expense."

In a note at the foot of this page* is the report of

* PROPOSED CONFEDERATION.

(Translated from *L'Union Nationale.*)

Report of a committee appointed at the meeting of citizens of Montreal, held on the 8th of August, to take into consideration and report upon the confederation scheme.

Your committee have the honour to report that, in conformity with the instructions contained in the resolutions appointing them such committee,

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a series of resolutions held among some of the French inhabitants of Montreal. It is not intended to bring into undue prominence the opinions of what is

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your committee devoted several meetings to study and discussion of the schemes of federation and confederation, and came to the conclusions contained in the following resolutions, which were adopted at its last meeting, held on the 22nd inst. :—

Moved by Romauld Trudeau, Esq., seconded by G. E. Clerk, Esq., Editor of the *True Witness*, and

Resolved,—Considering that in principle all constitutional or organic changes are dangerous, and that the governed should only have recourse to them in cases of absolute necessity ;

Considering that the necessity for such a change in the actual constitution of the country has not been proved or established in a satisfactory manner ;

Considering that, even should it be admitted that organic or constitutional changes have become necessary, it has not been established that federation or confederation would be of a nature to promote the interests of Lower Canada and protect its rights ; but that, on the contrary, the political difficulties, the sectional conflicts, and the administrative embarrassments under which the country labours would become considerably increased, and that these new forms of government would be far more expensive and necessitate the imposition of direct taxation ;

Considering that in the case where organic changes would become, or at a later period, would be necessary, the only favourable change to Lower Canada, and which in justice she has a right to demand, would be the *pur et simple* of the legislative union which was imposed upon it against its clearly expressed wish ;

Considering that if Lower Canada accepted federation or confederation it would renounce its just and beneficial right, and the hope of obtaining a repeal of the present legislative union, in case the necessity for an organic change should become imperative.

Your committee consequently came to the conclusion that federation or confederation would be prejudicial to the interests of Canada, would place its autonomy in danger, and would be a virtual renunciation of the most important of its rights, namely, the repeal, pure and simple, of the present legislative union.

Moved by Narcisse Valois, Esq., seconded by Joseph Leblanc, Esq., and

Resolved,—That it is urgent that public meetings should be called for the purpose of submitting to the appreciation of the people of Lower Canada the project of constitutional changes which the government undertook to submit to parliament at its next session, as also of provoking, by means of public meetings and petitions to the three branches of the

possibly an unimportant party; but in discussing a scheme such as this no public expression of opinion should be altogether left out of consideration.

July 1864

Immediately on the result of the agreement between Mr. Brown and the Canadian Opposition becoming known, it was arranged that a deputation from Canada should visit Charlottetown, in Prince Edward Island, where already a conference of delegates from the maritime provinces was sitting to discuss the question of joining those provinces together in a minor federation without reference to Canada.

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legislature, the expression of a respectful but firm disapprobation of the constitutional changes above mentioned.

Moved by Jacques Grenier, Esq., Alderman of the city of Montreal, seconded by Jude Labelle, Esq., Councillor of the said city, and

Resolved,—Considering that it is of the utmost importance to Lower Canada that she should act with the most perfect accord and with great prudence under present circumstances, your committee is consequently of opinion that the following resolutions would be of a nature, owing to the absolute principles of political justice which they entertain, to rally all Lower Canadians without distinction, national or religious, and that they would extinguish all party spirit, being in all probability favourably welcomed by the government, which cannot oppose any plausible reason to their adoption; and the which resolutions are as follow:—

Firstly,—That it would be derogatory to the liberties and the political rights of the subjects of her Majesty to change the constitution of the province without having in the first place demanded and obtained the assent of the people who inhabit it, and that consequently all organic changes of the present constitution of Canada should be submitted to a new parliament expressly elected for the purpose of taking these schemes into consideration.

Secondly,—That under any circumstances no scheme of organic change in the constitution of Canada should be considered, sanctioned, or authorized by parliament except in the case where the majority of the representatives of each section of the province should approve of such change, so that a new constitution be not imposed on Lower Canada without its consent as expressed by the majority of its representatives.

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The preliminary business was soon transacted, and the executive council were able to present to the Governor-General, on the 23rd September, 1864, a report that "the conference duly met, and that the question of a confederation of the British North American colonies was discussed at length, and such progress made that it was thought desirable by the conference that the subject should be resumed in a formal and official manner under the authority of the governments of the several provinces.

"The committee have therefore the honour to advise and submit for your Excellency's approval that the several governments of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland, be invited to appoint delegates, under the authority of the despatch of the Secretary for the Colonies to the Lieutenant-Governor of Nova Scotia, dated July 6, 1862, and communicated by the Colonial Office to your Excellency by a despatch of the same date, to confer with the Canadian Government on the subject of a union or federation of the British North American provinces."

On their return the delegates passed through a great portion of the magnificent territory of which the federation will be composed. They saw Pictou, the chief shipping port of the Nova Scotia coal beds, the yield of which, within five years, has increased from one hundred and fifty to two thousand tons per day. Large as these works are, they yet perform but a small part of the coal trade of Nova Scotia. From Pictou they passed over a well-built railroad to Truro, where they watched the various

processes by which Nova Scotian iron, equal in quality to the best ore of Sweden, is converted into steel at the rate of fifteen thousand tons a year; they were told that it had been ascertained by geological surveys, that ore similar to that which they had seen under manufacture, unrivalled in quality, and inexhaustible in abundance, extends over a vast section of the country. From Truro the same railroad took them to the gold country, where they found that a steady yield, averaging some 750*l.* per week, rewarded patient and persistent labour in a single mine. The gold-bearing district, they were informed, was as extensive as that of the iron ore. Thus, within four-and-twenty hours, the delegates were able to see with their own eyes specimens of the bountiful supply which nature has stored up to insure the future greatness of their country. CHAPTER XIII.

On the 10th of October, delegates from the colonies of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland, with the ministers of Canada, assembled at Quebec. They sat until the 28th of the month, and before separating agreed to seventy-two resolutions, which have since been submitted to the Legislatures of the different provinces in the form of an Address to the Queen. The resolutions are too long to be inserted here, but the gist of them is given in the following extract from a despatch of the Governor-General :*— 1864

"The plan which has been adopted by the conference, you will observe, is the union of all the provinces on the monarchical principle, under one

* Viscount Monck to the Right Hon. E. Cardwell, M.P., Nov. 7, 1864.

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governor, to be appointed by the crown, with ministers responsible, as in England, to a parliament consisting of two houses, one to be nominated by the crown, and the other elected by the people.

"To this central government and legislature will be committed all the general business of the united provinces, and its authority on all such subjects will be supreme, subject of course to the rights of the crown and of the Imperial Parliament.

"For the purposes of local administration it is proposed to have in each province an executive officer, to be appointed by the governor, and removable by him for cause to be assigned, assisted by a legislative body, the constitution of which it is proposed to leave to the decision of the present local legislatures, subject to the approbation of the Imperial Government and Parliament.

"To these local bodies are to be entrusted the execution of certain specified duties of a local character, and they are to have no rights or authority beyond what is expressly delegated to them by the Act of Union.

"To the general government it is proposed to reserve the right of disallowing acts passed by the local legislatures."

The reader who compares the *précis* given by Lord Monck with the details as given in the resolutions themselves, is struck with dismay at the contrast between the simplicity of the design and the inevitable complexity of its execution. The success of the new constitution evidently depends upon the extent to which it is worked according to the spirit of its

framers, without wrangling too much about the letter. There can be no doubt that the best constitution is one like that of England, which is not written down in a book and hampered by formulas, but which has grown up with the growth of the nation, and, regardless of symmetry or of logic, has adapted itself from time to time to the exigencies of varying circumstances: but where such a constitution has not made itself, the nation which desires to adopt constitutional government is under the necessity of reducing its aspirations to paper, defining rights which can only be satisfactorily defined by custom and prescription, inventing checks to replace public opinion, and formulas to fill up the lack of precedent. If it is difficult to construct an act of parliament which cannot be evaded, how impossible must it be to frame a constitution which shall present no loophole. In the present instance the difficulty has been reduced to its smallest dimensions: the framers of the confederation, with wise reticence, have wisely abstained, wherever it was possible to abstain, from definitions, and have assumed that reference is to be made to British precedents for the establishment of any rule. But there are some dangers which cannot be avoided, and which, in truth, seem formidable enough. The greatest of these, without doubt, is that involved in the concurrent jurisdiction of various legislatures, and the vast difficulty of deciding where the limits of one ends and the other begins. Lord Monck says of the local legislatures in his despatch:—



"To these local bodies are to be entrusted the execution of certain specified duties of a local

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character, and they are to have no rights or authority beyond what is expressly delegated to them by the Act of Union." This seems to assume the whole question at issue: if the local legislatures will frankly accept the position designed for them, and claim no authority but what is specially assigned to them—if, in fact, they act in the spirit of the Act of Union, all will go well; but it is at least possible that they may not do so. The point which Lord Monck disposes of in three lines, is insisted upon by the framers of the constitution in ninety-nine resolutions.* A legislative union would have got rid of all danger of conflicting legislation, but Mr. Brown frankly said that he was obliged to give up that part of his plan, on account of the impossibility of inducing the local legislatures to consent to their own abolition. Far from getting rid of local governments, two new ones are created by the scheme, that of Upper Canada and that of Lower Canada. It is not unreasonable to suppose that the minor field of local politics will be abandoned to the least distinguished politicians: if in Lower Canada, for instance, the example of the wise and statesmanlike among the French population is withdrawn, an unsatisfactory state of things is likely to ensue. Besides this, several points are expressly reserved for the consideration of the local legislatures within their several limits, which are also to be dealt with on a large scale by the general government. At the foot of this page is printed the list of matters

* To speak more correctly, the powers of the general and local assemblies occupy 15 resolutions; but resolution 29 is subdivided into 37 heads, and resolution 43 into 18 heads.

specially designated as within the jurisdiction of the general government.* A careful comparison between the matters reserved to the central government, and those assigned to the local legislatures,† will show

* The general parliament shall have power to make laws for the peace, welfare, and good government of the federated provinces (saving the sovereignty of England), and especially laws respecting the following subjects:—

1. The public debt and property.
2. The regulation of trade and commerce.
3. The imposition or regulation of duties of customs on imports and exports, except on exports of timber, logs, masts, spars, deals, and sawn lumber, and of coal and other minerals.
4. The imposition and regulation of excise duties.
5. The raising of money by all or any other modes or systems of taxation.
6. *The borrowing of money on the public credit.* To the local government is reserved the right to borrow money on the credit of the province.
7. Postal service.
8. Lines of steam or other ships, railways, canals, and other works, connecting any two or more of the provinces together, or extending beyond the limits of any province.
9. Lines of steamships between the federated provinces and other countries.
10. Telegraphic communication and the incorporation of telegraph companies.
11. All such works as shall, although lying wholly within any province, be specially declared by the acts authorizing them to be for the general advantage.
12. The census.
13. Militia—military and naval service and defence.
14. Beacons, buoys, and lighthouses.
15. Navigation and shipping.
16. Quarantine.
17. *Sea coast and inland fisheries.*
18. Ferries between any province and a foreign country, or between any two provinces.
19. Currency and coinage.
20. Banking, incorporation of banks, and the issue of paper money.
21. Savings banks.
22. Weights and measures.
23. Bills of exchange and promissory notes.

† See Appendix.

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that the sections printed in italics are expressly, and in terms entered on both lists. Many of the matters treated of in them may prove grave sources of inconvenience; to take a single example, the Newfoundland fisheries. It is impossible to remember what a constant source of irritation and heartburning the fisheries have been, and the antagonism which has existed between Imperial and Newfoundland policy upon the question,* without seeing how materially the central government may be incom-

24. Interest.
25. Legal tender.
26. Bankruptcy and insolvency.
27. Patents of invention and discovery.
28. Copyrights.
29. Indians and lands reserved for the Indians.
30. Naturalization and aliens.
31. Marriage and divorce.
32. *The criminal law, excepting the constitution of Courts of Criminal Jurisdiction, but including the procedure in criminal matters.* To the local government is reserved the administration of justice, including the constitution, maintenance, and organization of the courts—both of civil and criminal jurisdiction, and including also the procedure in civil matters.
33. *Rendering uniform all or any of the laws relative to property and civil rights* in Upper Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward Island, and rendering uniform the procedure of all or any of the courts in these provinces; but any statute for this purpose shall have no force or authority in any province until sanctioned by the legislature thereof.
34. The establishment of a General Court of Appeal for the federated provinces.
35. *Immigration.*
36. *Agriculture.*
37. And generally respecting all matters of a general character, not specially and exclusively reserved for the local governments and legislatures.

* A few years ago, after long disputes which, regarded from an Imperial point of view, it was desirable to terminate, a convention was agreed to between France and England on the subject of the fisheries. There was a clause in the treaty that it should not take effect without the consent of Newfoundland, which was refused.

moded if the local legislature neglect or refuse to act with complete self-abnegation.



Next in importance to the powers of the local legislatures is the manner in which they are to be organized. The central authority is vested, as at the present time, in a Governor-General appointed by the crown. Under him, at the seat of federal government, are to be two Houses of Parliament:—a legislative council appointed by the crown, and a House of Commons. At the present moment, the legislative council is elective; but there seems to be among the statesmen who have framed the constitution, a very general mistrust of the elective principle as applied to the Upper House; and it was on all sides agreed that in the new confederation the Upper House is to be nominated by the crown.

"The Elective Upper House," said Mr. Brown in a recent speech, "has not long existed in Canada. Besides, when the elected councillors first took their seats, they found already in the chamber a large number of old appointed members, who, no doubt, exerted a certain degree of influence over their proceedings; and the question, I think, fairly presents itself whether, when the elective system had gone on for a number of years, and the appointed members had all disappeared, two elective chambers, both representing the people, and both claiming to have control over the public finances, would act together with the harmony necessary to the right working of parliamentary government. And there is still another objection to elective councillors. The electoral divisions are necessarily of enormous extent—

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some of them one hundred miles long by sixty wide —so large that the candidates have great difficulty in obtaining personal access to the electors; and the expense of election is so great as to banish from the house all who are not able to pay very large sums for the possession of a seat. From all these considerations, it did appear to me, when our friends of Lower Canada, who were most interested in the constitution of the Upper Chamber, desired to have the members appointed by the crown, that, acting in the interest of Upper Canada, it was my duty to consent."

The Upper Chamber is to consist of seventy-six members, distributed as follows :—

| | |
|---|---|
| Upper Canada | 24 |
| Lower Canada | 24 |
| Nova Scotia | 10 |
| New Brunswick | 10 |
| Newfoundland | 4 |
| Prince Edward Island | 4 |
| Total | 76 |

The House of Commons is to be constituted on the basis of representation according to population. It is to be composed at first of one hundred and ninety-four members, distributed as follows :—

| | |
|---|---|
| Upper Canada | 82 |
| Lower Canada | 65 |
| Nova Scotia | 19 |
| New Brunswick | 15 |
| Newfoundland | 8 |
| Prince Edward Island | 5 |
| Total | 194 |

After each decennial census the sectional representation is to be readjusted according to population, and for this purpose Lower Canada is always to have

sixty-five members, and the other sections are to receive the exact number of members to which they will be severally entitled by their population, taking the sixty-five members of Lower Canada as their standard. Thus the representation will be strictly based on population; the disparity of population between the several sections will be accurately provided for at the decennial census, but the number of members in the house will not be much increased.

The exact mode in which the local legislatures are to be constituted has not been definitively arranged. So much difference of opinion existed on the subject that it was considered the wisest plan to leave it to the existing parliaments. The present parliament in each province will therefore determine the form their future legislature shall assume.

The whole of the judges throughout the confederation, those of the county courts as well as those of the superior courts, are to be appointed and paid by the general government. It has also been provided that the general parliament may constitute a general court of appeal, to which an appeal will lie from the decisions of all the provincial courts. The public property, and the public debt of the several provinces are to be assumed the central government.

In almost every detail of this remarkable scheme, we are struck by the evidences of compromise. First the great compromise of principle, made by sacrificing legislative union to the national fears of the French; next, rights and duties assigned, at the imminent risk of disturbance in the machinery, to the local governments, which might much more properly be dealt

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with by the central government: of this kind were rights of property, the forms of procedure at civil law, and the principles of state education, which, as Mr. Brown observed, "we were compelled to leave to the local governments, in order to afford that protection which the Lower Canadians claim for their language and their laws, and their peculiar local institutions. I am sure we are all glad that they should have that security. I am sure, notwithstanding all that may have been said to the contrary, that none of us have had any desire to interfere with the mere local institutions of our fellow-subjects of Lower Canada, and that it will be held as a sufficient answer to all objectors that the arrangement has been made in a spirit of justice to Lower Canada, and with the view of securing hereafter that harmony and accord which are so desirable in the future government of the country."

Such again are the arrangements made with respect to the public debt which is to be assumed by the general government. "We found"—I again quote Mr. Brown—"we found a difficulty in associating provinces which were free from debt with those that owed large public obligations. But we fell upon this plan; we struck an average of the debts of the several provinces, and we agreed that those whose debts exceeded the average should pay interest at five per cent. annually into the public exchequer, while those whose debts were below the average should receive interest in like manner from the chest—a basis just to all. Then it was found that while some of the provinces could maintain their local governments without money

from the public chest, there were other provinces not accustomed to direct taxation, and in order to meet their views, we were compelled to adopt a compromise." Thus it will be seen that in the following important particulars, the constitution of the legislature, the forms of civil law, the nature of public education, and the principles of taxation, it is not the best possible plan that has been adopted, but the best obtainable by compromise. With all its defects, the scheme reflects great credit on the temper and forbearance of its authors. The very faults it contains show how many conflicting opinions had to be brought into harmony, how many prejudices overcome, before it was possible to arrive at the point where we now find them. Still further modifications may be expected before the scheme is submitted, if it is to be submitted at all, to the consideration of the Imperial Parliament. The legislatures of the lower provinces have yet to express their opinions, and it is whispered that in more than one of the maritime provinces it may have to run the gauntlet of a severe opposition. On the whole,—regard being had to the evils out of which it forms the only apparent way of escape, and to the general soundness of the scheme itself,—however much we may criticise details, we may well be content to wish success to the proposed plan of federation. In the next chapter will be noticed a few of the points upon which, without venturing on idle prophecy, we may fairly anticipate the bearing of the plan on the relations between the colonies and Great Britain.

# CHAPTER XIV.

## RESULT OF ENGLISH POLICY.

[1865.]

Position of England with regard to the Colonies—Duty of defending Canada—Course of Policy to be pursued—Natural Tendency of Colonies to Independence—Present Position of British America compared with that of the American Colonies before the Declaration of Independence—Power of Veto which resides in the Crown—Probable Manner of Separation—Sir George Lewis on Colonial Independence—Proper Mode of preparing for Separation.—Draft Treaty of Separation.—Examination of the proposed Federation Scheme as it affects Imperial Interests on Military Questions; on Commercial Questions; on Matters involved in Questions of Legislation—Probable Form of the future Government of British North America—Conclusion.

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THE sketch of our colonial policy has now been brought down to a point when British North America may be said to have commenced her national existence. From the time of the union, the inhabitants of Canada and of the lower provinces, have been free to deal with every great question of politics, religion, law, or commerce, as it pleased them, without fear of interference from the Imperial Government; frequently, indeed, against its expressed opinions and advice. The authority reserved to England is purely nominal: the more closely it is examined, the more vague and shadowy it appears. Statesmen who would hesitate to acknowledge that the moment of separation from our most important colonies has

arrived, make admissions without scruple, which, taken in the aggregate, prove that separation is a fact accomplished, and not a question for future consideration at all. Enough, and only enough, of our nominal authority is retained to make it sure that we shall part in anger if a change be not made in the principle on which our policy is based; and it behoves every man to give his warning, however humble, against a danger which he believes to be imminent.

A writer expressing opinions such as these, may not unnaturally be asked:—Would you subject England to the humiliation of withdrawing from the defence of colonies, to which she is bound by every obligation, only because the defence is likely to be costly? Surely not. No Englishman would consent to abandon at its need a nation in alliance with ourselves; we have not to consider whether a particular community is to be defended, but whether it is wise to secure means of retreat, from a position of supremacy which has ceased to be effectual. Till the nation attacked ceases to be a colony, the question whether it shall be defended or not, can never be argued; for as long as any foot of land belongs even theoretically to our crown, the whole forces of the empire are pledged to defend it to the death. A late debate in the English Parliament will no doubt be fresh in the reader's recollection: the feeling of the House undoubtedly was, that the duty of defending Canada admitted of no dispute; the bargain was made long ago, the obligation has been entered into and cannot be evaded; the duty, therefore, of

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England, as between a British colony and a foreign nation which might attack it, may safely be left out of consideration as already settled and put aside.

It is true that some speakers urged with great force and ability, the argument, that the defence of British North America is a matter not of duty but of possibility; those statesmen would have us believe that we cannot defend Canada successfully, and that we ought consequently to withdraw our troops from the risk of defeat. The impossibility of defence is not proved; many of the ablest soldiers think it does not exist; but if it did, the inference drawn is not worthy of the British name. The defence of every part of our empire is admitted by all to be a duty: it would surely be better for England, if even the worst should happen, to be beat sword in hand out of her last defences, than to shrink from the performance of a plain duty, from a fear of possible disaster.

The subject really under discussion is one which does not affect the fulfilment of obligations so long as they exist; it concerns rather the advisability of taking steps in view of the eventual termination of those obligations. The engagement entered into between Great Britain and her colonies was mutual; to one side was allotted the duty of protection and the right of supremacy; to the other the duty of reasonable obedience, and the acknowledgment of dependence. If one side has ceased to fulfil its obligation; if by force of those laws by which Providence works and governs the world, the dependency must tend towards independence; if that law has

already done its work, and has developed the infant into a man; if the subject has thrown off subjection, and ceased to render even the slightest obedience; if the only tie that remains is the mere name and shadow of an unexercised authority;—is there any reason why the first party to the contract should be content for ever to fulfil its share of a bargain which is not duly observed by both? To terminate the bargain must be a work of time and of mutual agreement till the release is duly executed, and the time fixed for its termination has arrived; England must keep her share of the contract, whatever may be the course pursued by British America: the facts of our colonial history are eloquent with warning to be wise in time; yet a little longer, and we may be too late to settle the terms of separation as they ought to be settled, with mutual goodwill. It is not argued that separation should take place now, nor in five years, nor in ten; it is not even proposed that the time of separation should be hastened by a single day; it is only urged that the certainty of eventual separation should be recognized at once, that the manner in which it is to take place, and the treaty which must be substituted for the present connection should be arranged now, while it may yet be done in peace, without reference to any immediate subject of dispute.

The European settlement of America is the last of that series of migrations by which different portions of the world have been successfully settled. As Asia overflowed its boundaries, and poured its hordes over Europe, so Europe in its turn sent a portion of its

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population still further to the west. Six nations took a part in the exodus, and the policy which they introduced has been described in preceding chapters: all the six adopted different forms of government—each represented race, manners, laws, religion, language, different from the rest; three of them succumbed to foreign conquest, three to domestic revolution; each by widely different roads have now reached the same goal—independence.

As with men, so it is with nations: Nature has decreed that their progress shall be continuous; they have their infancy, their manhood, their decay; they are succeeded, as men are succeeded, by others of their kind, who become heirs of their arts, learning, virtue—perhaps even of their vices and crimes. At no time in the world's history has an instance been known in which a colony permanently remained under a distant sway; the assertion is as true now as it was when Edmund Burke* warned our great grandfathers of the danger of coercing the thirteen colonies:—"Three thousand miles of ocean lie between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass between the order and execution, and the want of a speedy explanation of a single point is enough to defeat a whole system. Nothing worse happens to you than does to all nations who have extensive empire, and it happens in all the forms into which empire can be thrown. In large bodies the circulation of power must be less vigorous at the extremities. Nature has said it. The

* Conciliation with America.

Turk cannot govern Egypt and Arabia and Kurdistan as he governs Thrace; nor has he the same dominion in the Crimea and Algiers which he has at Brusa and Smyrna. Spain, in her provinces, is perhaps not so well obeyed as you in yours; she complies, too—she submits, she watches times; this is the immutable condition, the eternal law of extensive and detached empires."

The wisest statesman is not he who would by any shift postpone the inevitable day, but he who most clearly recognizes the signs of maturity, and seizes the right moment for separation. It matters not what may be the forms of law or religion of the colonist, the dominant country cannot retain her colony after the time when it is fit to stand alone. Great nations are not, and never have been, nursed into greatness. It was through peril and difficulty that the city was built, and the gods brought to Latium, whence came the Latin race, and the Alban fathers, and the walls of Rome. The Greek colonies carried with them the sacred fire, and independence; they fought their own way, and prospered. The greatest race of all, the Anglo-Saxon, has fought with other nations—has conquered, or submitted to defeat—has displaced races, or absorbed them when they came in the way of its development; but it has never relied on any other arms than its own to fight its battles—it has never depended for power on any earthly authority. Will our colonies consent to do so now? will any descendants of our race condescend to be permanently beholden to us for freedom and protection? It seemed a year ago as if the vicious

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system which we have ourselves introduced, for a moment paralyzed the good sense of the Canadians, and inspired them with a resolution to leave their defence to us. Such a resolution was to be expected rather from a decrepit nation than from a young and vigorous people just springing into life; but, in truth, we ourselves were more in fault than they. We had not, as it was our duty to do, accustomed them to the idea of self-defence; the events of 1812 testify that the spirit of their fathers was in them. Peace, with its blessings, may have also brought sloth; over-speculation may have crippled Canadian resources; our own plan of providing for their defence may have for the moment accustomed them to rely on others; but already the spirit of their race has returned, and should occasion arise, British-American men will be ready to assist in the defence of their own soil.

Upon God and upon her own right hand must Canada rely for strength; the laws of Nature are against permanent union. Already we have, with regard to Canada, "to comply, to submit, to watch times." It is, as Burke said, the inevitable law. Nations which have colonies may differ in their treatment of them. The colonies themselves may be in temper and race wide apart as nadir and zenith; but "the eternal law of extensive and detached empire" will be obeyed, and all forms of government will lead to independence. The colonies of France, gifted with immense tenacity, with a power of amalgamating with aboriginal tribes such as no other nation has ever possessed, with leaders of conspicuous ability, with a government highly centralized, a

policy curiously definite and profound;—fell as easy victims to a foreign foe as the weak colonies of the Swedes and Dutch. Under the French rule the Canadians were allowed to do nothing for themselves; their energy was destroyed, and their strength turned to weakness. When French America came into English hands, an opposite system was adopted. The French were encouraged to govern themselves, to debate, to legislate, to combine; yet both roads, widely divergent as they were, tended equally to the subversion of a metropolitan authority.

The Spaniards introduced into America a crushing tyranny; they ruled by means of a Spanish aristocracy, to whom was committed the government, the property, almost the lives of those who had not the advantage of being born in Europe. They crushed the Creoles to the ground; they enslaved the Indians; they subjected Spanish America to an intellectual and religious thraldom which almost annihilated both intellect and religion. What was the result?—Independence. The Portuguese established in Brazil a despotism founded mainly upon commercial monopoly. Circumstances raised Brazil to the position of an integral portion of the monarchy; some rays of intellectual light were permitted to penetrate through the darkness; some degree of dignity was permitted to the native Brazilians; some degree of freedom was allowed to their trade, and encouragement to their agriculture. What was the result in their case?—Independence. English fugitives spread themselves among the forests of Maine and Virginia, and received from the home govern-

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ment "the inestimable boon of its neglect." They grew up free as any nation upon earth; no one interfered with the pursuits in which they chose to indulge; they lived under laws which they had framed themselves; they submitted to no tax that they did not themselves propose; learning, religion, arts, sciences—all were free. In their case also the result was independence.

The provinces of British America alone remain. Free as were the inhabitants of the thirteen colonies, they are freer still. Their government is not overlooked, nor their free action impeded by any superior. A nominal veto on their laws, if any should be passed in contravention of the fundamental law of England, alone reminds the Canadian statesman that he belongs to a "dependency." The old colonist lived under a commercial system which hampered trade in the mother-country, and of which the colony also felt the inconvenience. The modern colonist enjoys the benefit of English free trade, and imposes differential duties in his own ports on the goods of the metropolis. The veto which nominally controls him does not exist in fact; he is told by English statesmen that the connection need not be kept up a moment longer than suits his convenience. What will be, nay, what is, the result in their case?

Pursue a little further the parallel between the old thirteen colonies and British America, and see the mode in which independence came about in the case of the former people.

The two great instances of principles of colonization, diametrically opposed to each other, are Spain

and England. The first allowed no liberty to her colonists, the second enacted but very limited obedience: arguing from the result in their case, it may be said that colonies which have never been accustomed to self-government assert their independence in a different way from that which is followed by colonies educated in freedom. The first remain absolutely under the control of the mother-country until the moment when some accidental circumstance or train of events gives them an opportunity to shake it off once and for ever—the fact of independence and the time at which it occurs are coincident. The second develop gradually into independence, and are independent, in fact, long before their complete emancipation is acknowledged. The difficulty and danger of dealing with the latter kind of colonies, is this:—being nominally dependent, they may with propriety be called upon to do many things which could not be demanded from an absolutely independent nation; but being *de facto* independent, with the feelings and habits of thought of an independent people, any such demand, however right and proper in itself, is apt to wound their self-love, and impel them to assert, with anger, an independence which no one has ever had an idea of denying. The collision between Great Britain and the thirteen colonies was owing only to the non-recognition of the fact that they had been for many years virtually independent. There was in the abstract no desire to oppress the thirteen colonies; the people at home were engaged in a struggle for the supremacy of Parliament over the Crown, and all the other estates of the nation: to question the power of

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parliament was to run counter to the feelings of the whole British people. After the repeal of the Stamp Act, other taxation acts were passed by the legislature, for the sole purpose of asserting the power of parliament, and without the intention of insisting on their being obeyed or reaping any advantages from their execution. But by this time the temper of the independent nation was roused, and the abstract right asserted, became as distinct a question of grievance as material oppression would have been. Up to the very last moment the colonists themselves did not know that they were independent: they used the language of devoted loyalty. Neither side recognized the fact that separation was actually a fact accomplished; hence the war, hence the bitter feeling which has existed ever since.

Now the same difficulty exists at this moment in Canada; neither side chooses to acknowledge that British America is actually as free as the United States themselves; neither side ventures to acknowledge that British America affords a complete parallel to the state of the thirteen colonies before the war, and that a similar danger to that which disturbed the peace in one case now threatens us in the other. Let us for a moment compare the two.

Proof has been brought forward that ever since the accession of William III. the American colonies entertained the idea of becoming nominally as well as in fact independent. Their object became more and more evident throughout the innumerable disputes which arose between the crown and the local legislatures. The contest terminated in the complete

victory of the colonists before the invasion of Virginia by the French in 1754. It became so much a habit to resist any proposal made to them on the part of the English Government, that the colonists preferred, after Braddock's defeat on the Monongahela, to risk their national existence rather than forego the pleasure of contradicting the king's government. It was in vain that the royal governors urged upon the colonists the absolute necessity of combination; now, if ever, it might be thought, the English colonies would unite; now, if ever, the instinct of self-defence would induce them to obey. Their very existence as a free people was threatened. It is true that they did not understand to the full extent the far-reaching plans of La Galissonière, nor did they know that the ablest statesmen of France regarded the subjugation of the English colonies as essential to the well-being of France; but they knew that the campaign had closed in disaster, and that their position was perilous in the extreme. Braddock was defeated and slain. In all the valley of the Mississippi there was not a British soldier except the few who had escaped the Indian scalping-knife and were captives in the hands of the enemy. Niagara, the French base of operations, was unassailed. Crown Point had not been compromised by the defeat of Dieskau; and vast numbers of Indians, who before had been friendly, had joined the French. There were three thousand regular troops and a large force of the warlike militia of Canada, who waited only for the spring to renew the attack, under the leadership of some of the ablest captains of France. The Anglo-

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Americans, on the other hand, were distracted by jealousies, torn by jarring interests and factions, and in no condition to make head against the active and vigilant hostility of their enemies. There was one resource: they were nominally subject provinces of England; already in two former wars the blood and the treasure of the mother-country had been freely expended for their protection; every exertion they had made in their own defence had been punctually and liberally paid for; if they would only resolve on some course of united action it would be easy, with the help of England, to clear the soil of Virginia from the invader. Surely if the American colonies had been subject provinces in 1756, they would, in presence of the great danger that threatened them, have complied with the demands of the mother-country; since they did not so submit, it is clear that the independence which was declared and acknowledged twenty years later, then actually existed, whether acknowledged or not.

We have only to suppose the occurrence of a similar case in the colonies of any other nation, to see at once that this is self-evident. Suppose Canada to have been attacked by the English: the Canadians hold meetings at Quebec and Montreal: reply to demands from Louis for men and money by refusing both except on condition, first, that the sum advanced shall be repaid; secondly, that in the mean time it shall be expended by delegates chosen among the habitans, whose duty to their constituents shall compel them to interfere with and thwart the combinations of the royal general: thirdly, that no martial law should be permitted among their militia levies; fourthly, that out

of the grants thus doled out and to be repaid, certain men who had passed all their time in stirring up opposition to the king should have a subsidy of public money; fifthly, that every district of Canada and Acadia should issue, irrespective of the views of its governors or of the crown, its own commissions to the officers who were to command its militia; that no district being willing to acknowledge the precedence of another, the officers of various districts should be left to squabble for precedence in front of the enemy; the only thing on which they could agree being, a determination not to let the quarrel be settled by the king.

Or suppose, again, the dominion of Spain attacked by a foreign power. The people of the various provinces agree that no assistance shall be afforded to the arms of Spain, except on conditions involving the entire abandonment of the commercial monopoly of the mother-country;—the issue of paper-money, for example, or a scheme to postpone the payment of debts to Spaniards, till all debts due to Creoles should be discharged. To state such cases as these is to prove them absurd; yet demands identical in character with these here attributed to the Canadians on the Spanish were actually made and enforced by the American colonists.

We have seen what were the evidences of separation having actually taken place between the thirteen colonies and the mother-country at the close of the eighteenth century; let us see if similar evidences are present in the case of British America. Already they have regulated their commercial affairs in such

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a way as to impose a heavy duty on our goods;* and the colonial minister remonstrates in vain against a policy which divides them from the rest of the empire. He is met by the fact that the government of Canada has been, by the consent of England, made responsible to the people of Canada, not to England; and that it is bound to act according to the views of its constituents, not according to the views of the mother-country. We are attached to the principles of free trade; it may, without injustice, be said that the Canadians are not, nor is it natural that they should be, considering that young and uneducated nations seem naturally addicted to the commercial vice of protection.

Again, by the Constitution Act of 1791, one-seventh of the ungranted lands of the colony were set apart for the support of a Protestant clergy. In 1840, when the provinces were united, these lands were sold, and the proceeds applied in certain proportions to the endowment of the clergy of different denominations; those of the national churches of England and Scotland receiving a share far exceeding that which would have been assigned to them had the division been regulated by the number of members of

* With regard to the differential duties alleged to be imposed on British goods in colonial markets, it is answered by the colonists that the duties imposed are not of a protective character, but that duties on imports form the only available means of raising a revenue in British America. It is undeniable that very great difficulty arises in levying taxes in Canada and the other colonies, which would be cheerfully paid in Europe: the excuse may be true, and the duties may not be imposed in a "protective" spirit; but if importing merchants have to pay those dues, with whatever view imposed, it matters little what they may be called.

the several churches.* This arrangement gave rise to very considerable discontent; and an address was voted by the Canadian Assembly to the Queen, praying her to recommend to the Imperial Parliament a measure for the total repeal of that part of the Act of 1840 which related to the clergy reserves. The British Government were strongly averse to any such concession; but it soon became apparent that the feeling in Canada was too strong to be resisted. Members of the assembly openly proposed, that not only the fund itself should be sequestrated, but that the rights of present incumbents should be disregarded, and that the local legislature should at once alter the law, without waiting for the repeal of the Imperial Act. Lord Grey, in his account of this transaction, virtually admits that the local assembly were only prevented from passing this measure of wholesale spoliation, in defiance of a distinct act of the Imperial Government, by the hope which was held out to them that, if they would consent to save British honour by regarding the rights of existing incumbents, the main question in dispute should be conceded. Lord Grey states the difficulty with great skill: "From the tone of the debates which took place," he writes, "it may be inferred that this judicious advice" (to refrain from depriving present incumbents of their benefices) "would have been little likely to prevail in the assembly, but for the reliance placed on the adherence of the Imperial Government to the principles which had of late been observed in the exercise of its authority in the province."† What

* Lord Grey. Colonial Policy, i. 254. † Ibid., i. 256.

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were the principles which had of late been observed by the Imperial Government in the exercise of its authority? Let the despatch in which Lord Grey announced the decision of the government answer the question. Her Majesty's Government announced that the desire expressed by the assembly would be acceded to: "In coming to this conclusion, her Majesty's Government have been mainly influenced by the consideration that, great as in their judgment would be the advantages which would result from leaving undisturbed the existing arrangement. . . . still, the question whether that arrangement is to be maintained, is one so exclusively affecting the people of Canada, that its decision ought not to be withdrawn from the provincial legislature." Great as would be the advantages of retaining a national church, the government considered the question as one of a local character! Having been in Canada at the time, the writer can bear testimony that no Canadian was deceived by these "brave words."

Again, with regard to the Militia Bill. Three years ago danger threatened us from the United States. We promptly sent over a large force, consisting of the very flower of our army: it was not aided or materially supplemented by the Canadians themselves; on the contrary, a bill for providing the nucleus of an efficient militia was thrown out of the assembly. There were local causes which caused the rejection of the bill; no doubt they were good and sufficient. We cannot argue that the Canadian assembly ought to have pursued any course different from that which they chose to adopt: they possess free institu-

tions, and have a right to pursue their own policy in their own way; only, in face of such a convincing instance to the contrary, it is not possible for us to persuade ourselves that the supremacy of England is more than a name.

We have seen then, that, whereas persistence in our commercial policy drove the Americans to extremity, we were compelled, in a somewhat similar case, to yield the matter in dispute to the Canadians. We have also seen that, in a matter so essentially imperial in its nature as the mode of maintaining a national church, a quarrel with Canada was again only avoided by concession of the point in dispute; that when a question arose of imminent war with a neighbouring nation, the people of Canada, like the people of the thirteen colonies of old, chose rather to continue their local disputes than to unite in defending themselves against the danger. We shall now show that the natural displeasure which was felt in England, at being left alone to bear all the burden, while the colony reaped the whole advantage, was alluded to by the principal minister of the crown in Canada,—not in the heat of debate, but two years afterwards as a matter soberly reflected over, and deliberately concluded on,—in terms not less strong, and, indeed, very similar to those used by the author of the "Farmers' Letters," at the time of the American war.

Dickinson's famous letters have already been alluded to in a former chapter: compare with one of them a speech recently made by the Hon. George Brown, Prime Minister of Canada.*

* Reported in the Toronto Globe, of Monday, Nov. 7, 1864.

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"Sir, no man in Canada appreciates more than I do the generous consideration that has ever been shown by the mother-country towards this province. But I desire to enter a firm protest against the manner in which of late our duty has been laid down for us, chapter and verse, by gentlemen three thousand miles off, who know very little of our circumstances, and yet venture to tell us the exact number of men we are to drill and the time we are to drill them. Sir, I venture to assert that the language recently used towards this province is neither just, nor yet calculated to promote a desirable end. This province, like the other colonies of the British empire, was founded on a compact entered into between the crown and the people; an assurance was virtually given to those who emigrated to this province that they should be protected by all the strength of British arms. And nobly has Great Britain fulfilled that promise. Never has she hesitated for a moment to expend her blood and treasure in defending her colonial empire. I hold that Great Britain is bound to fulfil on her part the conditions on which the settlement of this and other colonies took place, and to continue to aid us until we have grown to that degree of maturity and strength which will fairly demand at our hands a reconsideration of the terms of the contract. If I am asked whether Canada, united with the Lower provinces, is able to take upon herself a larger share of the burden of defence than she has heretofore borne, I answer without any hesitation—undoubtedly 'yes.' It were utterly unreasonable to expect that to these colonies the people of

England should much longer send armies and navies for their defence, whilst we continued developing the resources of our country, and accumulating wealth untaxed for the appliances of war. But what I do say is this, that when the time arrives that a colony has outgrown the conditions of her first settlement, and when she is fairly bound to assume new and higher relations to the mother-country in the matter of defence, it is only right that the matter should be approached, and the whole subject discussed in a candid and reasonable spirit. And I am free to express my opinion that had the Canadian people been invited frankly to enter on a discussion of the changed relations in matters of defence they ought to occupy to Great Britain, the demand would have been responded to readily and heartily. And it is only due to the present Colonial Minister, Mr. Cardwell, to say that this is the spirit in which he seems desirous of approaching the question; and that such is the spirit in which I believe negotiations hereafter will be carried on between these colonies and the parent state. It is not to be concealed that we in Canada are deeply interested in this whole question of colonial defence being thoroughly discussed and settled. We all heartily desire to perpetuate our connection with Great Britain; but it is quite evident that a feeling is growing up in England which may prove dangerous to that good feeling and attachment, unless the duties and responsibility mutually due are clearly understood."

On the very threshold of the American revolution, John Dickinson wrote as follows:—" If once we are

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separated from the mother-country, what new form of government shall we adopt or where shall we find another Britain to supply our loss? torn from the body to which we are united by religion, liberty, laws, affection, rebellion, language, and commerce, we must bleed at every vein." It was just, he went on to say, that parliament should regulate the trade of every part of the empire, but that "to adopt such a measure for the purpose of raising a revenue is an innovation, and a most dangerous innovation. We, being obliged to take commodities from Great Britain, special duties on their exportation to us are as much taxes upon us as those imposed by the Stamp Act. Great Britain claims and exercises the right to prohibit manufactures in America. Once admit that she may lay duties upon her exportations to us, for the purpose of levying money on us only, she then will have nothing to do but to lay those duties on the articles which she prohibits us to manufacture, and the tragedy of American liberty is finished. We are in the situation of a besieged city, surrounded in every part but one. If that is closed up, no step can be taken but to surrender at discretion. . . . I would persuade the people of these colonies, immediately, vigorously, and unanimously, to exert themselves in the most firm but the most peaceable manner for obtaining relief. If an inveterate resolution is formed to annihilate the liberties of the governed, English history affords examples of resistance by force."

Grant the fact that the countries to which these orators respectively addressed themselves, and on

whose behalf they spoke, were independent nations, and the language of both becomes dignified, conciliatory, manly, worthy in each case of a patriot and a statesman: assume in either case that the speaker belongs to a dependency, and in what terms will you characterize oratory so bold and so determined? No one can critically consider the tone of these two extracts, the courtesy, the loyalty which animates each, and at the same time the temperate but firm protest against a supposed encroachment, without seeing that the frame of mind which dictated one was present in the other. In each there is an undeniable wish to remain on good terms with England, and an equally firm belief in the right, and what is more important the power, to terminate the connection. Dickinson expresses unalterable attachment to the British crown, and in the same breath declares that to impose a tax for the purpose of revenue is an innovation, which is to be firmly protested against, and, if necessary, repelled by force. A century later Mr. Brown, the responsible minister of Canada, "desires," as we have seen, "to enter his firm protest against the manner in which of late our duty has been laid down for us, chapter and verse, by gentlemen three thousand miles off, who know very little of our circumstances." He expresses deep loyalty to the crown; he makes admission that England was right in what she asked, though, in his opinion, wrong in the way of asking; just as Dickinson admitted the right of taxation in the abstract, but not taxation for a particular purpose. Mr. Brown adds a significant remark that "it is evident that a feeling is growing

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up in England, which may prove dangerous to that good feeling and attachment, unless the duties and responsibility mutually due are clearly understood:" just as Dickinson declares, that instances have not been unknown in English history in which oppression has been followed by armed resistance.

Again, compare the language held by James Otis, one of the fiercest orators of the Revolution, on the occasion of being elected moderator of the town meeting at Boston in 1763, with the words uttered the other day by the Hon. John Rose, a member of the Canadian Government, in a speech made for the purpose of proving the loyalty of the Canadians, and the necessity which exists for retaining the connection between the colony and the mother-country.

"We in America," said Otis,* "have abundant reason to rejoice. The heathen are driven out and the Canadians conquered. The British dominion now extends from sea to sea and from the great river to the ends of the earth. Liberty and knowledge will be coextended, improved, and preserved to the latest posterity. No constitution of government has appeared in the world so admirably adapted to these great purposes as that of Great Britain. Every British subject in America is of common right, by act of parliament, and by the laws of God and nature, entitled to all the essential privileges of a Briton. By particular charters, particular privileges are justly granted in consideration of undertaking to begin so

* Bancroft. American Revolution, iv. 63.

glorious an empire as British America. Some weak and wicked minds have endeavoured to diffuse jealousies with regard to the colonies; the true interests of Great Britain and her plantations are mutual, and what God in his providence has united let no man dare attempt to pull asunder."

This was the language of the man whose fiery eloquence contributed more than any one man to bring about hostilities. Within five years of that time, the city in which these eloquent words were uttered, and the man who uttered them, were in armed rebellion.

"We know," says Mr. Rose, speaking of war in which the colonies may become involved, "that Canada may have no concern or interest in the quarrel, except as an integral portion of the empire. What was the question of the right of search to us? What interest had we in Ruatan? what in the Oregon boundary? what in the enlistment question? what in the island of San Juan? what in European interference in Mexico? what, save, indeed, as British subjects, interested in the honour of our flag in the Trent affair?" Now, admitting, for the sake of argument, that the questions Mr. Rose recites have no special interest for the Canadians, he proves, if he proves anything, that in six out of the seven cases cited by him, Canada was nearly involved in quarrels for which she herself cared nothing, and that in the seventh case, a war in which she had no interest was waged on her own soil: if the other cases cited had come to open rupture, or if all of them had been followed by war, Canada would have been seven

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times the theatre of hostile operations in which she had no interest. This would not arise if Canada were independent, because it would be useless to attack an independent nation in a British quarrel; and no one, after reading the speech in which Mr. Brown resents the British call to arms as an invasion of Canadian freedom, can imagine that Canadian loyalty would survive a strife waged among their own fields, especially if the Canadians took no personal interest in the question, and immunity from the horrors of war could be purchased by separation. Suppose another quarrel to arise in which, as in the other instances mentioned by Mr. Rose, Canada felt no interest except as a part of the British empire; which would be the best position for both parties, that Canada should be placed, by timely separation, in the position of an interested spectator, or that they should be obliged to discuss terms of separation in the midst of the irritation which would naturally prevail among the Canadians, at the thought that they had been dragged unnecessarily into a war? It is not intended to accept Mr. Rose's dictum, but only to show what it proves, assuming it to be true. No one who has the honour of being acquainted with Mr. Rose would for a moment imagine that there was any similarity, except in point of eloquence, between his opinions and those of James Otis. If the fragment quoted from Mr. Rose's speech were adduced for the purpose of inferring any latent disloyalty on the part of the speaker, that gentleman might properly complain that an isolated paragraph had been divorced from its context; but it is not quoted with that view;

the whole speech was conceived in a strain of enthusiastic loyalty which those acquainted with the speaker know to be genuine. Mr. Rose was adduced as a witness, above the suspicion of disloyalty, making an admission all the more forcible from its unconsciousness, that geographical causes prevent absolute identity of interest between his country and our own: it may, for instance, be doubted whether anything will divest society in America of its tendency to democracy; but feudal institutions are in England burned into the national heart, and have been carefully modelled to fit the national requirements. If it be admitted that at the time when Otis and Dickinson wrote the thirteen colonies were *de facto* independent, it will be difficult to maintain that the Canadians are not *de facto* independent at the present time.

The complete self-government which we have given to the Canadas is only fettered by one proviso—that no law shall be passed contrary to the fundamental law or policy of England. Great stress is laid by writers on our colonial system upon this proviso, which they appear to consider as one of vast practical importance. The power of veto is always adduced in evidence when the reality of the tie between England and her colonies is questioned; a little examination will show that the power practically exists only in name and is not and cannot be exercised.

A return * was presented to the House of Commons

* ORDERED BY THE HOUSE OF COMMONS TO BE PRINTED, 26TH JULY, 1864.—Return of the titles and dates of bills passed by the legislatures of Canada, Nova Scotia, New Brunswick, Newfoundland, and Prince Edward

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during the present session which affords the means of appreciating the power of veto at its exact value. It will there be seen that the number of laws to which the royal assent was refused between 1841—the year after the union of Upper and Lower Canada and the year 1865—was, in the three provinces of Canada, Nova Scotia, and New Brunswick, twelve only.

New Brunswick in 1843 passed two Acts, entitled, "An Act relating to the Collection of Duty on Timber and other Lumber," and "An Act to Establish Regulations for the future disposal of Timber and other Lumber cut on Crown Lands." These were disallowed on the ground that they were inconsistent with imperial legislation, and that they repealed a part of the Civil List Act. In the same year, "An Act regulating the Currency of the Province," was disallowed on the ground that it gave a fictitious value to the English sovereign and the eagle of the United States. In 1852, an Act was passed "to exclude certain Persons from serving as Members of the Legislative Council of New Brunswick," which was disallowed on the ground that it interfered with the royal prerogative by dismissing the bishop of the province from a position in which he had been placed by the crown. The last instance of a refusal of the royal assent to a New Brunswick Act was in 1856, when "An Act relating to certain Exemptions from Duty," conveying certain special

Island since the year 1836, which have been reserved by the governors of those colonies respectively for reference to her Majesty's Secretary of State for the Colonies, and of the titles and dates of bills so referred, to which the royal assent was ultimately refused; and copy or extracts of the terms in which such refusal was conveyed."—*Viscount Bury.*

privileges upon the United States as regards the trade with one particular port in New Brunswick was disallowed on the ground that it was inconsistent with the fundamental laws of the empire.

In Nova Scotia three Acts have been disallowed since 1840. "An Act for facilitating the Recovery of Seamen's Wages" was rejected on the recommendation of the law officers of the crown; and the last instance was as long ago as 1847, when two Acts "relating to the Crown Lands Department of the province" were rejected, on the ground that they interfered with the sale of crown lands without improving the principle on which those sales were conducted.

In Canada, three Acts have been disallowed since the union. One, in 1843, "For the Discouragement of Secret Societies;" which was rejected on the ground that "the Queen cannot be advised to concur in an enactment placing any class of her Majesty's subjects beyond the protection of the law, and depriving them, without a previous conviction for crime, of the privileges to which all British subjects have a common title." 9 Dec. 1843

The next was in the same year, and was entitled "An Act for the better securing the Independence of the Legislative Council of this Province," which "interfered with the power vested in her Majesty by the Act of the Imperial Parliament, of the 3rd and 4th year of her Majesty's reign, c. 25, in reference to the appointment of the members of the Legislative Council. In consequence of which it was not competent to the Queen, in point of law, to assent to the bill."

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29 Mar. 1845

The last occasion on which the right of veto was exercised by the crown in Canada was in 1845, exactly twenty years ago, when "An Act to Dissolve the Marriage of Henry William Harris, Esq., with Eliza Walker, his now Wife, and to enable him to Marry again, and for other purposes therein mentioned," was disallowed, on the ground that the divorce would only be valid within the limits of the province of Canada, and not in other places beyond such limits where the law of England prevails.

Now these are the only instances in which provincial acts have been disallowed since the Act of Union between Upper and Lower Canada. The little island of Prince Edward and that of Newfoundland add a few to the list, as may be seen by the Appendix;* but those small communities offer peculiar difficulties to the effective carrying out of parliamentary government, which render their legislation somewhat exceptional in character. The reader will probably remark that in none of the cases mentioned above has the royal assent been refused to any act of public importance, or to any upon which there could by possibility be any dangerous amount of public excitement. He will be tempted to inquire whether acts of real importance are dealt with on some plan different to that pursued with regard to inoperative divorce acts or petty invasions of the prerogative of the crown respecting waste lands; he may not improbably be tempted to suspect that the right of veto, as applied to the legislation of nations exercising their own parliamentary rights, and framing their own laws

* Vol. i. Appendix.

must be either nugatory or superfluous. If it be the case that laws contrary to the fundamental laws of England have been passed in Canada during the last twenty years, and British ministers have not ventured to impose her Majesty's veto upon them, the power of veto is plainly nugatory: if no such laws have been passed during twenty years, it is surely superfluous. Most observers will admit that the former is the case; and that no English minister would dare to veto a law of any importance, or one upon which the hearts of the colonists were set. Look for a moment at the question of secularizing the clergy reserves, and say whether the Secretary for the Colonies did not shrink, as a true and loyal Englishman must shrink, from the inevitable collision of opinion which would have arisen from refusal to acquiesce in the wishes of Canadians? The knowledge that the power exists is, no doubt, in petty cases, sufficient to prevent the necessity of an appeal to it; in no way can the personal influence of a constitutional governor be more beneficially exercised than in preventing the amount of discord between the home and the colonial government, which is implied by the disallowance of a law passed by a Colonial Assembly; and it is only in rare or extreme cases that a bill is allowed to pass, which absolutely challenges the authority of the Crown, and justifies its rejection by the responsible advisers of the sovereign. The interference of the governor would be of no avail in important questions; and the only hypothesis upon which we can account for the fact that the right of veto is never really exercised, is that our power rests

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on too weak foundations to allow us to incur the risk. If the only authority we possess is held on such slender tenure, is it not the duty of statesmen to weigh deliberately the result, and if possible to regulate the manner, of separation?

We now assume as proved, that England retains her power only on sufferance; but a large number of politicians show no disinclination to allow her to continue in that position. They argue somewhat after the following fashion:—Is it not better to retain even a nominal power as long as it can be exercised without remonstrance on the part of our colonies, and without inconvenience on the part of the mother-country, rather than dismember the empire, and thereby bring about a state of things, wounding at best to the national vanity, and not improbably encompassed with evils worse than those which now exist? As long as the connection is nominally maintained, it is not necessary to anticipate the future; matters may remain as they are until the colonies themselves express some desire to leave us, and when they do express such a wish, the way will be open to separation on terms more just to the colonies, and more agreeable to the national pride than now.

Surely if you wait till the present anomalous state of things has become unbearable, any demand made by the colonies for independence will not be made in terms that will convey much satisfaction to English pride. There seems, too, to be a confusion of thought between retaining nominal power, and retaining advantages which the possession of real power would confer: when once the substance is gone the shadow

is sure to follow, and certainly, "to comply, to submit, to watch times," for an indefinite period, and perhaps ultimately to separate on terms really injurious to national pride, is a far less sensible plan than to use the little authority that remains, in devising a scheme of ultimate separation just and equal for both sides.

It may be asked, why is it necessary to insist so strongly on the necessity of being prepared for separation, if it be true that the colonies are already virtually independent? Because the retention by a dominant country of nominal power when the reality is gone involves a great political danger, which can only be avoided by being ready at a moment's notice to acknowledge, as *de jure*, the state of things which already exists *de facto*. A colony will never desire to quit the protection of the dominant country, unless it considers the connection to involve hardships and inconveniences so important as to outweigh the advantages to be derived from that connection: when separation takes place at the request of the colony, it must necessarily be the result of a more or less grave quarrel, which would be needlessly aggravated by the delays and negotiations necessary to arrange the treaty of separation. This danger might be entirely avoided if a timely agreement were made as to the conditions on which independence should be granted. It is not necessary to insist that a more equitable agreement could be made in a time of mutual peace and good-will than it would be possible to make amidst the din of jarring factions.

It has already been said that no wish is here ex-

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pressed to give up our colonies, to recede from obligations incurred, to refuse protection against attack, or in any way to act otherwise than a mother-country should do. There is a vast difference between what is called "giving up our colonies," or "dismembering our empire," and the recognition of the fact that some of our colonies are in reality colonies no longer, and that it is dangerous to our quiet to treat them as such.

The writer of these pages confesses that the argument which he is most concerned to notice is, that those who believe it to be right to recognize in time the independence of our British American colonies, are unmindful of the honour of our country, and wish to dismember her power. The argument is not reasonable nor the accusation just; and it cannot be amiss to recall to the recollection of the reader some remarks written years ago, and therefore with no reference to events which are now occurring. Sir George Cornewall Lewis, in his Essay on the Government of Dependencies, arguing with that dispassionate calm which so distinguished his mind, described the policy, which is now denounced as dismemberment of the empire, as the great mark at which colonizing nations ought to aim. At the time when Sir George Lewis's essay was written, the propriety of emancipating dependencies had not issued forth from within the limits of abstract reasoning; yet in discussing the contingencies which would make such a course desirable, he describes with wonderful fidelity the circumstances which may now be seen around us :—

"The practical difficulties and inconveniences inherent in the government of dependencies which have been stated in preceding chapters, are necessary or natural consequences of the relation of supremacy and dependence, and of the imperfect though necessary expedient of a subordinate government. Now if a dependency is considered as in training for ultimate independence, the difficulties naturally incident to its government, if they do not vanish, are nevertheless greatly reduced. If a dependency were so considered, the free and forcible action of its local institutions would be encouraged as an unmixed good, not discouraged as a source of strife with the dominant country, and of vain resistance to its power; and all the precautions on the part of the supreme government, for the purpose of preventing the people of the dependency from regarding their subordinate government as virtually supreme, would be needless. If a dependency be distant, if its territory be large and its population numerous, and if the powers of its local subordinate government reside to a considerable extent in a body chosen by its inhabitants, it is difficult for the dominant country to prevent it from forming habits and opinions which are scarcely consistent with virtual dependence. But if such a dependency be regarded as in training for independence, the local popular institutions leading to and implying self-government may be allowed to have free play, and the interference of the dominant country with the affairs of the dependency, may cease almost insensibly.

"Admitting the impossibility of the prevailing

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opinions concerning the advantage of extended empire being so far modified as to permit a dominant country to take such a view of its political relations with its dependencies as that now indicated, it is proved by the example of England that the dominant country may concede virtual independence to a dependency by establishing in it a system of popular self-government, and by abstaining almost constantly from any interference with its internal affairs.

"Such a relation of the dominant country and the dependency as has been described in the preceding paragraph seems, however, scarcely consistent with the duration of the dependence of the latter for any considerable period. It is true that there has not been hitherto any instance of a dependency becoming independent by the voluntary act of the dominant country. The Greek colonies form no exception to Adam Smith's remark, since they were independent from their first establishment, and therefore the mother-country possessed no power over them which it could subsequently relinquish. The most remarkable changes from dependence to independence have been produced by insurrection against the dominant country; and the dominant country has not consented to recognize the independence of the formerly dependent communities till it had exhausted all its means of reducing them to obedience. Examples are furnished by the Swiss Confederacy, the United Provinces of the Netherlands, the United States of America, and the various independent states which have been formed out of the revolted Spanish and Portuguese colonies in North and South America.

"It is, however, conceivable that in a given case the dominant country might perceive that it derives no benefit from the possession of a dependency, and that the dependency is able and willing to form an independent state; and that consequently a dominant country might abandon its authority over a dependency for want of a sufficient inducement to retain it. A dominant country might for example see that the dependency contributes nothing to its military defences or to the expenses of the supreme government; that it adds nothing, as a dependency, to the productive resources or commercial facilities of the dominant country; that it is a constant source of expense to the dominant country, is likely to engender many economical evils, and may even involve the dominant country in war on its account. It might, moreover, perceive that the dependency is sufficiently populous and wealthy to form an independent state, and that the people of the dependency desire independence. If a dominant country understood the true nature of the advantages arising from the relation of supremacy and dependence to the related communities, it would voluntarily recognize the legal independence of such of its own dependencies as were fit for independence; it would by its political arrangements study to prepare for independence those which were still unable to stand alone; and it would seek to promote colonization for the purpose of extending its trade rather than its empire, and without attempting to maintain the dependence of its colonies beyond the time when they need its protection. At all events, the long duration of its dependence under such cir-

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cumstances implies as much moderation on both sides as would be implied on the side of the dominant country by a voluntary cession of its authority over the dependency.

"It is obvious to remark that the dominant country ought not to abandon its authority over the dependency, unless the people of the dependency consent to the cession, and are capable of forming an independent community; it is bound morally not to throw off a helpless dependency, although the possession of it should promise no advantage to itself." *

The exception which Sir George Lewis makes is as striking as the proposal itself: it is a condition precedent of granting independence that the colonies should desire it. The writer of this book ventures to advocate, not the dismissal of any colony, but rational preparations for a time which the inexorable logic of facts proves to be fast approaching.

The recognition of British-American independence must be concerted with the representatives of British America themselves; when that is done, the time of separation may be safely left to be settled according to the convenience of both. National honour demands the continuance of relations which now exist, and the protection which England is now bound to afford, until they shall be no more needed; but meanwhile we are free to discuss the terms and manner of eventual separation, and to arrange the provisions of that important Treaty with careful and deliberate consideration. A man holding a lighted match would retain it only as long as prudence permitted him to

* Lewis. Government of Dependencies, p. 332—336.

do so; he would not wait till the actual pain of burning flesh compelled him to throw it from his hands. England need not part from anything she could hold: only let her not, for the empty boast that a power is hers which in reality has long departed, endanger really solid advantages which she might retain for ever.

Mr. Thring,* in his pamphlet on Colonial Reform, proposes that a Colonial Bill, which he gives in his Appendix, should be passed, and should come into effect within two years, providing, amongst other matters of great importance, that "Her Majesty may by proclamation in any colony declare that colony to be independent from and after a time to be named in such proclamation; and the colony with respect to which such declaration is made shall become independent from the date therein mentioned."

This provision would no doubt perfectly attain the object in view, when the time at which such separation was to take place had once been fixed, and the treaty recognizing the independence of the colony had been signed. But in fixing the time and the terms of separation the whole difficulty lies. An earlier clause provides that "the Legislative Council and House of Assembly in any colony, may, by a majority of not less than two-thirds of the whole number of members composing such house, resolve to address her Majesty, praying that the colony may be declared to be independent; but such resolution shall be of no effect unless it is confirmed during the same

* Suggestions for Colonial Reform, London. Stevens, Sons, and Haynes, 1865.

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session, in both houses, by a like resolution, passed by a like majority, at an interval of not less than three months after the passing of the first resolution." This clause is good in itself, but something more is wanting. We have the quarrel with our colony, which we so anxiously desire to avoid, upon us in downright earnest, unless the resolution passed by the colony shall find us prepared with a Treaty, drawn up with a view to ultimate separation, and already signed. It is obvious, as we have remarked, that the colonies will desire to enjoy the advantages afforded by connection with Great Britain, so long as they can do so without incurring inconveniences greater than those advantages. They will in no case leave us of their own accord until their interests and those of the mother-country seriously clash. What must be provided for, is a means of separation, before exasperation has had any time to work; nay, a scheme of separation worked out and agreed to long before any cause of dispute has arisen, while yet men's minds are able calmly and dispassionately to decide on provisions which would be fair to both parties in the Treaty. If such an arrangement were arrived at, we might leave the question of time to be decided at some future day, when the war-cloud which now unhappily lowers over our Canadian outpost shall have disappeared: we might then look with equanimity even at the occurrence of a chance quarrel: it could not last, there would be nothing to exasperate it or to induce its continuance; but the provisions of such a Treaty need neither be many nor intricate. "More than half the heartburnings and bickerings in the

world," as Mr. Thring says very truly, "arise from the absence of a settled rule of conduct to meet a possible contingency, from the impossibility of parting without the pride of one party being hurt or the dignity of the other offended." For the sake of convenience, the few points which present themselves for settlement are here set down in the form of a Draft Treaty, such as might form the basis of negotiations. It will be observed that all the provisions of the treaty are matters which may be settled with perfect facility at a time when there is no immediate necessity for putting them in force; but many of them might present insuperable objections to a settlement in a moment of irritation such as that which must infallibly exist at the moment of parting, if some such provision be not previously made.

ARTICLES OF SEPARATION, TO BE AGREED TO BETWEEN GREAT BRITAIN AND BRITISH NORTH AMERICA.

WHEREAS the British North-American provinces have increased of late years with great rapidity, both in point of population and wealth; and whereas it is desirable that the said provinces should at some future time assume the dignity and undertake the responsibilities of an independent nation: it is agreed between the Secretary of State for the Colonies, acting as plenipotentiary on behalf of Great Britain on the one part, and A. B., on the part of the confederated provinces of British North America, hereinafter called "The New Nation," on the other part, as follows:—

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ART. I. It shall be lawful at any time for the Sovereign of Great Britain and Ireland to give *twelve* months' notice to his subjects in the New Nation colonies, of his intention to discontinue the exercise of any sovereign rights over the territories now known as British North America, or any part thereof, and to recognize the Government of the part so freed from control as an independent Government: And the Sovereign of England shall give such notice as aforesaid, either by and with the consent of the Lords Spiritual and Temporal and of the Commons, in Parliament assembled, or at the request of the inhabitants of the British North-American Colonies, conveyed by an Address from both Houses of their Legislature. Provided always that the Sovereign of Great Britain and Ireland shall in no case give such notice (except at the request of the inhabitants of British North America conveyed as aforesaid), within —— clear years after the termination of the present disturbances between the United States and the Confederate States of America: and provided also that, at the time of giving such notice, there shall be no reasonable prospect of danger to, or aggression to be sustained by, the British North-American provinces.

ART. II. The British North-American provinces shall, from and after the termination of the notice given as aforesaid by the Sovereign of Great Britain and Ireland, be known by the name of ——

[*For the purpose of this treaty, say "The New Nation."*]

ART. III. The New Nation shall be entitled to assume as her national standard the Union Jack, as adopted by England and Scotland in the time of Queen Anne, with such difference as may be determined by the Heralds' College.

ART. IV. Any fortification, barrack, or other military work constructed within the British North-American colonies at the expense of Great Britain, shall be handed over to the New Nation; and any fortification or other military work which shall have been undertaken by the Imperial Government, and which at the time of the giving of the notice mentioned in Article I. shall be in course of construction, shall be completed at the expense of the Imperial Government, according to the original estimate submitted to the Imperial Parliament at the time of the undertaking of such work, and shall be paid for either by an annual grant provided for in the English Estimates, or by a sum handed over to the authorities of the New Nation, as may hereafter be agreed upon.

ART. V. It is agreed between the contracting parties, that as a further mark of goodwill towards the New Nation, the British Government may assist the government of the New Nation in the completion of any military or naval works of defence, which may at the time of the Royal proclamation of independence have been undertaken by the British North-American provinces, with the consent of Great Britain, and which at the time of such Royal proclamation may be in progress, by guaranteeing the interest of any loan which may be necessary to finish the said works.

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ART. VI. It is further agreed, that all military or commissariat stores, guns, arms, ammunition, &c., as may at the time of the Royal proclamation be in any fort or other place within the limits of the British North-American provinces, shall be handed over, free of cost, to the authorities of the New Nation.

ART. VII. In order that the New Nation may start as far as possible free and unincumbered by debt, it is agreed that any moneys which may be due from the government of the British North-American colonies, to the British Exchequer shall be remitted. But any guarantee which may have been given by the Imperial Government for the due payment of interest on any moneys expended for any public work or other purpose, other than the military works mentioned in Articles III. and IV., shall be assumed by the Government of the New Nation, and paid out of its funds.

ART. VIII. There shall be a special treaty of friendship and alliance between Great Britain and the New Nation, and diplomatic officers of suitable rank shall be sent by each Government to the other.

ART. IX. It is agreed between the contracting parties, that in case the New Nation shall be attacked by an external enemy, Great Britain will exert her utmost efforts to defend her, by sending to her assistance money subsidies, or men, in such manner as may be found most conducive to the due carrying out of the spirit of this treaty. And it is further agreed, that Great Britain shall use her influence to induce the

United States and the Confederate States of America, and the Maritime Nations of Europe, to join her in guaranteeing the independence, and freedom from attack of the New Nation.

ART. X. It is agreed that no differential duties shall be imposed, by either of the parties to this treaty, on the Imports or Exports of the other; and, generally, that any commercial privilege which either of the parties to this treaty may grant, by treaty or otherwise, to any Foreign Nation, shall be extended as of right to the other party to this Treaty.

ART. XI. It is agreed that the provisions of the Alien Act, now in force in Great Britain, shall not extend to natives of the New Nation; and that any inhabitant of the New Nation shall be eligible to sit in the Imperial Parliament, to hold property, and generally to exercise all the rights of citizenship which may now be exercised by a native-born subject of Great Britain: and it is further agreed that a similar privilege shall be extended by the New Nation to native-born or naturalized subjects of Great Britain.

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It is probable that an English reader, to whom the consideration of this question is new, would, at first sight, arrive at the conclusion that the provisions of this treaty were entirely one-sided; that the New Nation alone would profit by it; that it would entail a large expense on Great Britain; and, inasmuch as it would pledge this country to exercise our whole power in defence of the New Nation in case of external

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aggression, it would leave us in the same plight as that from which we now desire to escape. That conclusion would not be altogether just, as an examination of the different articles will show. The first three require no comment: it is obvious that our protection must continue as long as any danger hangs over the colony, which may be traced, even remotely, to the connection of the New Nation with Great Britain. The third, providing that the national flag shall still wave over the ships and forts of the New Nation, would perpetuate and draw closer the bonds of union between the two nations, and follow the analogy of English custom, by which the son assumes, with a certain difference, the name and arms of his father. The Fourth, Fifth, Sixth, and Seventh Articles would, no doubt, entail expense on Great Britain: but it is submitted that the expense to be incurred is one which could not honourably be evaded; it must be the care of the mother-country to see that the New Nation commences its national existence under the most favourable circumstances, and that it has every prospect of a prosperous and honourable career. The expenses provided for are terminable. Even if for ten years after separation an annual sum is required, what are ten years in the life of a nation? The stipulations of the treaty will at length be completed, and Great Britain freed from further liability. The Seventh Article requires no comment; but the Ninth is more important. It is true that, by covenanting to stand by the New Nation in case of aggression upon her boundaries, we are placing ourselves somewhat in the same position as that from which many

persons would now desire to escape; but, in the first place, we cannot at once shake off, even under the most favourable circumstances, the liabilities and dangers which may now attach to our position; and in the next, there would be a material difference between our circumstances then and now. Even supposing the United States to be of that aggressive temper which is often attributed to them, an attack on an unoffending neighbour would be an act from which the most unprincipled government would shrink, more especially as it is impossible to imagine a motive which would then exist for aggression. The Munroe doctrine is not held by all parties, or even, it is believed, by a majority of the inhabitants of the United States: it would not suit the industrious manufacturers of New England to ruin their trade, and entail upon themselves the horrors of war for "an idea." Such advantages as can be obtained by trade between the Northern states and the British provinces must depend on natural causes, certainly not on causes which could be improved by war; and no war could long continue which did not command the success of the population of New England. It is notorious that most of the threats which have been held out of attacking Canada, have been threats not against a coveted territory, but against a British frontier: let that frontier be the frontier of an independent nation, and it would, in all probability, be respected. As long as an annexation party existed in Canada, there was always a possibility that "sympathizers" from the States might create formidable disturbance, with a view of giving effect to the views of malcontents:

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the party of sympathizers has ceased to exist, and no danger is now to be anticipated from that source. Above all, it must be remembered that the treaty especially provides that no separation shall take place, at least by any deed of ours, until all the heart-burnings and dangers which now exist have clean passed away, and become matters of history. The tenth article requires no comment; the eleventh is borrowed from a suggestion made by Mr. Goldwin Smith, in a late article in Macmillan's Magazine.*

The practical utility of a Treaty, such as that just proposed, must depend upon the truth of the assertion so often made in these pages, that our present colonial system contains within it several not unimportant elements of danger. It remains to state, in a few words, how and from what quarter the danger mentioned is likely to arise.

The new Confederacy will necessarily offer many points of difference from ourselves. It will have to proceed, in many instances, by compromise, in order to secure the assent of its members: it is not impossible that the form in which public measures will emerge, after passing through the fiery trial of the General Legislature, will not be one entirely acceptable to the mother-country. It may be expected that difference will occur, if it occur at all, on subjects connected either with military defence, with commerce,

* "Supposing the political connection to be dissolved, all the effective ties of kinship would remain; nor does there appear to be any objection to our abrogating, as against the Canadians, all the legal and political disabilities of aliens, so that a Canadian coming to reside in England might be at once in every respect an English citizen."—*The proposed Constitution for British America.*—Macmillan's Magazine, March, 1865.

or with legislative functions: a little consideration will show of what nature those difficulties are likely to be.

The Canadians possessing legislative independence cannot be prevented, on the occurrence of any military embarrassment, from examining into the circumstances of the quarrel, and forming their own conclusions whether their country is in danger or not. It has already been agreed that the whole power of England must be exercised to defend the colonies against attack, nor can this state of things be now altered, even though the time of ultimate separation should be decided on; if the Canadians should choose to attach undue importance to that admission, and, relying on the protection of England, vote through their independent Legislature that they will not incur their fair share of responsibility, it would be impossible for us to offer any opposition to a course which our own gift of the power of free legislation has rendered possible. We cannot confer self-government, and hope to dictate the use to which they may put it, though we may by finding fault with their proceedings produce an unfriendly feeling, or even violent rupture.

The Canadian frontier is not less than fifteen hundred miles in length, and offers many vulnerable points to an invader. During many months in every year reinforcements could not readily be sent to the West, nor communications kept up with the base of operations on the coast. It would, therefore, be necessary to keep a considerable force in war-time on the spot, and to vie with the Americans of the northern states in armaments on

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the frontier lakes. We should do this at a disadvantage: our opponents would draw their supplies from points near at hand, while we should be toilfully furnished forth from Europe. The scarcity of labour must always render recruiting difficult and expensive, desertion easy and frequent. It would be possible, in case of attack, if the population turned out as one man to defend their frontiers, as the people of the Confederate States have done, to make Canada secure against the devastation of war; but the Confederates have had none to fight for them, and years of dependence have taught the Canadians to look elsewhere than on their own arms for assistance. The new confederacy will no doubt be prepared to send a very considerable and very efficient body of auxiliaries into the field; but it would require the actual experience of war, and of the evils that war carries in its train, to bring about that general armament which alone would render Canada secure against attack. The levy 'en masse' which was sufficient to hurl back the invader in 1812 would not now make head against the vast numbers of trained soldiers which could be directed against them by American leaders. Military organization would have to take place in front of the enemy at a vast expense of energy and, perhaps, of disaster. A recent report which has been presented to parliament affords the intelligence that a militia force could be raised without any difficulty, which would, with the aid of a British contingent, hold the places necessary for the defence of Upper and of Lower Canada. In the latter province, Quebec and Montreal afford defensible positions which

would hold out for a considerable time, and the force that held them would ultimately remain masters of Canada. But Quebec is without any fortifications which could offer any resistance to modern artillery; the new works were only sanctioned by parliament a week or two ago,* and Montreal has no fortifications at all. Kingston, which covers the mouth of the Rideau Canal, is entirely without defence: as for Hamilton and Toronto, they are entirely at the mercy of the invader who should be master of the lakes. At the present moment some twenty-one thousand Canadian volunteers are all that could be considered available in case of attack: these are, perhaps, equal in military efficiency to a similar number of English volunteers. Even if the fortifications existed, such a force would be totally inadequate to man them, and, opposed to the armies of the Republic, could not hope to be of any avail. Nothing has yet been done by the British Americans themselves to put their country in an adequate state of defence; and yet, for four years, the most aggressive power of modern days has been in open conflict across the frontier, and on many occasions has held language which must prove that they are in danger. Englishmen are ready to take a fair share in the defence of any part of the empire that may be attacked; but they have a right to insist that no part of the empire, least of all that part upon which the attack is directed, shall sit by idle and unarmed. It is not likely, perhaps, that the Americans will attack Canada in the midst of the exhaustion

* March 23, 1865.

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produced by their gigantic efforts in the civil war; still it is right to be prepared: recent despatches have shown that the highest officials, both of the federals and of the confederates, have calmly discussed the propriety of laying aside their mutual feud for a time, in order the better to concert an attack upon us. Yet in the face of danger like this, the responsible minister of Canada can tell us that our remonstrances against the unparalleled apathy of the colonies may have a bad effect upon the mutual good feeling of Canada and the mother-country.

Of late a very great change has taken place in the spirit of the Canadians. Every disposition is, it is said, now shown to bear their fair share of the cost of defending their country from attack. It is, indeed, stated by those who have every means of ascertaining the truth that the Canadian cabinet were ready to raise the whole sum necessary for the construction of defensive works at Montreal and Quebec, on the sole condition that Great Britain should provide the necessary armaments for the works. Although it was necessary to abandon that scheme for a time, on account of the provision which exists in the proposed act of confederation of the provinces, that the debt of Canada at the time of federation should not exceed a certain fixed sum, it is still believed that a large share of the expense will ultimately be borne by British America. A bill, which was introduced into the Imperial Parliament on the 2nd of March in the present year by Mr. Cardwell, "to enable her Majesty's colonies to make better provision for maritime defence," shows conclusively that the transatlantic subjects of the

Queen are at length fully awake to the necessity of strenuous exertion. Mr. Cardwell, in bringing in the bill, explained that the navy contemplated by the bill would be paid for by the colonies themselves; there is consequently every disposition on the part of the frontier colony at least to provide for their own defence with due public spirit and liberality.

But the question of armaments has already been used as an engine of party warfare; and we have only to look at the keen attacks to which our own system of fortifications are subjected in the Imperial Parliament to be aware that the principle upon which Canadian defensive works are to be constructed might at any moment be upset, or even the requisite grants of public money for their continuance refused. If at the time of such refusal Great Britain had, under the belief that the whole scheme would be carried out, voted her share of the expenditure, the discontinuance of the work (for which under a system of Responsible Government no person or body of men could be properly considered worthy of blame) would revive the old antagonism in its most dangerous form. Mr. Brown, when in opposition, used the Militia Bill as a means of defeating a government: he had constitutionally every right to do so, nor is it pretended that his course was not in every point of view justifiable; but the same course might with equal propriety be adopted against his government while carrying out the Canadian defences, as he himself employed when he opposed them.

It is not asserted that such a departure from public faith is likely; but the chess-player who would win

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his game, the soldier who would conduct his campaign with honour, the statesman who would rule an empire with success, will weigh every possibility and give to every one its due measure of importance.

Another point which might arise as a subject of dispute at some future time was indicated by Mr. Cardwell in his speech on bringing in the bill for a colonial navy :—

"The question of raising a colonial navy was not a simple one. If it was to be purely a colonial navy, it was obvious that it would not have the rights and privileges of an international navy, and would not be acknowledged by foreign nations in time of war; and if there was to be a divided command, questions might arise between a colonial officer and the senior Queen's officer of the station which might lead to serious practical difficulties."

One of our maritime provinces already has an armed ship of its own; but, as Mr. Cardwell remarked, "that ship being merely under colonial authority, possessed none of the rights, and in presence of foreign nations, could have none of the privileges of a ship of war. Those rights and privileges could only be secured by putting the ship under the control of the Admiralty." Probably no difference of opinion would ever arise out of this divided allegiance; it would, at any rate, work well enough as long as no feeling of irritation existed between the two countries; but it is evident that disagreement might arise out of it, which would render the inevitable parting less amicable and more difficult to arrange than it would be if a proper scheme were deliberately arranged beforehand.

The manner in which differences of opinion are likely to arise on commercial matters differs from the direct and positive antagonism which other disputes are likely to exhibit. They are, however, not on that account less important: the principles on which trade should be carried on still afford materials for widely divergent opinions; and even when principles are agreed upon, politicians often find it hard to agree upon the mode of their application. The legislation of this country, with respect to the commercial affairs of British America, has suffered many changes; and although for many years every alteration has been made with the view of relieving commerce from the trammels of the ancient navigation law, disputes have occasionally arisen in which the subject was so ingeniously mystified, that a demand for protective duties actually assumed the likeness of a cry for the extension of free trade. Of this nature was the demand for intercolonial free trade which was made by the Canadian Legislature in 1858.

The removal in 1846 of the differential duties which existed in favour of the colonies was, of course, an unpopular measure; changes of policy, however right in themselves, usually involve loss to those engaged in the trades affected by them; and in this instance the change deprived the colonies of an advantage which they had long enjoyed, and which had been, as they considered, secured to them by the Act of 1840. The colonies considered the protection afforded by the differential duties as a right, and looked upon its removal as an injustice; and though the policy of 1846, by compelling colonial industry

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to depend rather upon the energy and skill of its traders than upon differential duties, has produced a highly beneficial result in the colonies, attempts are constantly made to revert to the system of protection. The manner in which the demand is put forward is sometimes so specious that at the first blush it is difficult to distinguish whether it is a departure from, or an extension of, sound economical principles. A large party in the colonies loudly asserted that the demand for intercolonial free-trade was in accordance with the recognized principles of unfettered competition; it was advocated as such by a Committee of the Legislative Council of Canada, which was appointed "To inquire into the commercial intercourse between Canada and Great Britain, the West India possessions, the United States, and other foreign countries." Circulars were addressed by this committee to the governments of the colonial possessions of Great Britain in America, to ascertain whether in their judgment the adoption of a free commercial intercourse, like that which exists between the different states of the American union, would promote the prosperity of the colonies, and induce a direct trade by the St. Lawrence. The trade of Canada, especially that with Great Britain, has always been subject to sudden and violent fluctuation: under the Canadian tariff, when it was fostered by the system of protection, it increased in a ratio of three to one over that from the United States. When the cause of fictitious prosperity was removed in consequence of the altered policy of the Imperial Government, it decreased as compared with that of the

United States. The St. Lawrence canals, though made at an enormous expenditure for the purpose of drawing the trade of the Western states to the ports of Montreal and Quebec, failed in attaining the object; and the trade of Western Canada itself, on and above Lake Ontario, was, before the present war, diverted to the ports of New York and Boston. A vessel containing freight from the upper lakes can go from her point of departure to Quebec in less time and for less money than she can to New York. So far the advantage is on the side of the Canadian route; but owing to various causes the advantage ends there, and the whole voyage from the upper lakes to England is cheaper by way of New York than by way of Quebec. It was clearly perceived by the committee, that, to improve the St. Lawrence navigation and to attract shipping into it, was the best way of recovering for Canada her lost balance of trade. The existing trade was not remunerative to Canada, for it went to swell the balance-sheet of the Americans. A new trade must, if possible, be created and monopolized. For this purpose the West Indies and other colonies of Great Britain were invited to agree to a tariff which should abolish all Import duties on articles produced in one colony and imported into another: the only stipulation on the part of Canada being, that the trade should pass through the St. Lawrence. The replies received from the various colonies were strongly in favour of the scheme; indeed, the extension of reciprocal free trade between our various colonies is not a matter that at first sight appears to militate against the principle of free trade; but the

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colonies, so far as trade is concerned, are integral parts of the imperial commercial system. England has treaties and relations with foreign powers by which she herself, her colonies, and the foreign countries with which she treats must equally be bound. If any two colonies consent to receive from each other, free, articles which imported from the foreigner would be chargeable with duty, they are establishing differential duties as against that foreigner, and violating the regulations which as part of the Imperial system they are bound to uphold.

Earl Russell was at the head of the Colonial Office when the proposal reached England. Lord Stanley, in 1843, had commented upon this subject. He had observed the great difficulty which existed in the imposition of discriminating duties; he had pointed out that to legislate on such a matter without a full knowledge of all the commercial treaties, and political relations of Great Britain with other states, must render error inevitable, and occasion practical inconvenience. This knowledge the colonies have no means of acquiring; they have no machinery for concerted action, and the general code of the empire would, if such a mode of proceeding were adopted, be at variance with itself in many important particulars. Government could not treat with confidence with any foreign state, nor could they fulfil treaties when made. Under the old colonial system, the dependencies of Great Britain were bound to very strict compliance with the supposed interests of the mother-country. The importation of silk from France was forbidden to Canada, and the West Indian Islands were not

allowed to obtain provisions and lumber from the United States, in order that the mother-country might retain exclusive possession of the colonial markets. The repeal of the Navigation Laws, in 1849, put the finishing touch to the more enlightened policy, which for many years previously had been progressing in the colonies as well as in the commercial legislation of England. The protection against foreign competition in colonial markets, which in former times it was considered right to extend to British industry, and that which the colonies enjoyed in the home-market, were at length swept away. No duties protect the British producers in the home market, and no attempt is made to prevent the colonies from admitting upon equal terms the British, the colonial, and the foreign producer. "But," writes Lord Russell,* "this policy of freedom for the producer and the trader, as well as the consumer, would be seriously affected if colonial legislatures were to establish differential duties in favour of their own natural productions or manufactures, whether against the British or the foreign producer. And a similar violation of the principles of free trade would result, if favour were shown in the legislation of a colony to one colony over the other, by the reduction or total abolition of duties in favour of particular colonies." It was evident that, so far as such an arrangement was concerned, the colonies who entered into it would be commercially separated from the rest of the empire. The interests, not only of consumers

* Circular of Lord John Russell to the Governors of Her Majesty's Colonies, July 12, 1855.

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in the colonies who were parties to the arrangement, but of producers in every part of the empire, would suffer. "It is the earnest desire of her Majesty's Government," wrote Sir William Molesworth, in an able despatch upon the same subject, "to maintain and extend a course of policy which shall closely unite together, by ties of mutual interest, the whole of her Majesty's colonial empire with the mother-country. To such a policy any measures tending to form the colonies into separate groups, with peculiar and exceptional commercial relations, would be opposed."

It is unnecessary to multiply instances; the one just described will sufficiently indicate the class of difficulties which may be expected to arise out of the conflicting commercial interests of Great Britain and British North America.

It seems, indeed, not improbable that legislative matters may involve subjects of dispute even more easily than questions arising out of military or commercial affairs. Any one of the numerous points of contact, which will exist between the authority of Great Britain and that of the central legislature in the proposed confederation, may be productive of inconvenience. It is not probable that the substitution of a confederation for the legislative union, which was at first contemplated, will be of any great importance from an Imperial point of view. The immense extent of British America renders it necessary to adopt some plan by which local superintendence may be secured; to do this effectually is, perhaps, as important as to establish one strong central authority. No executive arm would be long

enough to reach from the capes of Newfoundland to the plains of Rupert's Land. Moreover, all the provinces invited to unite have been for years accustomed to their own local governments; the universal custom has grown easy and natural to them; it has begotten interests of locality, of office, and of class: if only the machinery by which they are now regulated can be so modified, that each member of the federation will consent to act in all things as subordinate in fact as well as in theory to the central government, all may be well. The question with which the Home Government is concerned is, whether the confederation is to be framed on Democratic or on Monarchical principles. This subject has not escaped the attention of political writers in Canada itself; and all who have written their opinions upon it have come to the conclusion, that upon the decision arrived at on this point depends the permanence of British-American connection with England. A confederation has existed as frequently on a monarchical as on a republican basis. The Roman government commenced with a confederated, and ended in a consolidated monarchy. The monarchy thus formed survived in the Lower Empire eleven hundred years; the Empire of Charlemagne survived a thousand years in the modern Empire of Germany, and, after resisting the arbitrary recasting of Germanic institutions by Napoleon, was again restored in the present Germanic confederation; there is therefore no reason, except the character of the people, which should deliberately incline the new confederacy to democracy.

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Upon this point it is only right that we should see what the colonists have to say about it themselves, and what estimate they form of the course of events around them. A thoughtful letter, signed "A Backwoodsman," addressed to the Attorney-General for Canada, is on the table of the writer, who believes that he recognizes in its lines the well-remembered eloquence of a trusted friend, than whom no one is more able to speak with authority, acquired by learning, experience, and thought:—"I confess, Sir," he writes, "after fair opportunities for observation pretty constantly employed for many years in British America, I am not, for one, convinced that the virtues and sentiments which are essential to a monarchical people have dropped away from our general public character. I take the chief of those virtues and sentiments to be—a keen sense of individual honour, a proper pride of origin, a strong affection between members of the same family, a love of stability, a passion for order, a reverence for law, a religious respect for age, a salutary awe of lawful authority, an irrepressible individualism, a tendency to classify, a predisposition to obey. These traits of British-American character I do not always find most marked in what are called with us Conservatives; their local opponents, the Reformers, have perhaps as fair a proportion of the common stock as others, an observation which consoles me with the belief that our national character is still substantially the same as that of our ancestors, and that, therefore, our national institutions need not necessarily be otherwise than British. Nor does this analysis exclude from its

compass our French-speaking population. That population has never been tainted, except on the very borders, with the bitter infusions of modern democracy. They were drawn off from Old France, like the pure waters intended to feed cities, at a point too remote for contact with the infidel sophists who attempted towards the end of the last century "to reconstruct society," on the devil's old design, of a world without a God. In their religious dispositions, in their historic retrospections, in their strong local attachments, in their family government, in their general contentment with their born condition, they approve themselves a monarchical rather than a democratic people. They are the real descendants of those Normans and Bretons whose blood has entered so fully into our British reservoir. Their two centuries' habitation in the New World has not obliterated the strong lines of character, which we have but to turn to our own history, especially under the Plantagenet line of kings, to see conspicuously illustrated. We, sir, should never forget that to a race almost exclusively of this origin and language we owe the Great Charter; that to their countryman, de Montfort, we owe borough representation; and, moreover, to the unexpended Norman energy of the English baronage we owe the famous statute of Edward I., *de tallagio non concedendo*. It is true, their own privileges at those periods fortunately coincided with the rights of the people, as settled in the more ancient charters of Edward the Confessor and King Alfred; but it cannot be denied that, either from policy or love of justice, or both, this race conciliated pri-

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vilege and popularity, and to give a new lease of lives (may it be 'renewable for ever!') to the British constitution.

"While I trust I am not unmindful of that large and important community whose language is French, still my associations better enable me to speak of the monarchical dispositions which distinguish our English-speaking people. As to the English, Scotch, and Irish, by birth or immediate parentage, they are all—especially the two last—a people of pedigree and precedents. They are, in the best sense, what they call themselves, 'Old Countrymen.' Europe contains their 'home;' their home memories and home affections are often there. Every one of them looks forward to revisit at some time or other his father's land, or 'his own, his native land.' Among men so minded there is no humiliation in the thought, provided our local rights are respected, of continuing for ages to come dependencies of the empire. They feel none of those petulant and ill-considered aspirations for a brand new nationality to which an Oxford Professor has lately appealed. If I understand them rightly, they would infinitely prefer, if it can be found possible and mutually convenient, to remain in the empire always, than by any wilful act of theirs to establish an upstart, costly, and precarious independence. And this denomination of people, be it observed, are nearer a third than a fourth of our whole population—an element not to be underrated.

"It is not, certainly, sir, among that other great section of us whose speech is English, the descendants of 'the United Empire Loyalists,' that we are to

apprehend the general prevalence of democratic dispositions. The constitution to which their fathers clung with such desperate fidelity, for which they preferred exile to enjoyment—the constitution, to cling to which they fled into these northern wildernesses—that same constitution, improved rather than decayed in this century, has now, for the first time in seventy years, a fair field open to it in North America. Will the descendants of those by whom alone of all the English colonists the monarchical principle was cherished and upheld here during the reign of George III., abandon that same principle, represented as it now is by ample colonial self-government under the good Queen Victoria.

"It was not from any affection for the despotic measures of a misguided minister that so many educated American colonists in the last quarter of the last century preferred the wilds of Upper Canada and New Brunswick to their former pleasant possessions on the Merrimac, the Mohawk, and the Susquehanna. They were moved by no aboriginal instinct for gew-gaws and stipendiary sustenance. They were, many of them, men of uncommon strength of mind and superior education; nor is it any injustice to their descendants to say that among them questions of government, of the origin of power, of the obedience due to those in high places, were much more fully considered than they have been of late among ourselves. There were probably more men, to a thousand of them, who had read Burke and Macintosh, Priestly, and Paine, and even Locke, Hobbes, and Lord Bacon, than there are now among

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a hundred thousand of us. We have hardly yet crossed in the Canada of this day the threshold of discussions which they had pushed to their last results. A grave and God-fearing generation, they deliberately chose the side of monarchy for themselves and their descendants; and I repeat, sir, once again, I do not believe you will find many, if any, of those descendants arrayed on the other side. It would, indeed, be a strange and unnatural reverse if democracy were to be imposed on us by the descendants, where our monarchy had been saved from extinction by the ancestors.

"There will be no doubt, sir, when you meet the representatives of Acadia at Quebec next week, many who will cry out, 'The people will not approve of this! or of that! or the other!' The duty of a statesman is surely to make the people a study, not a scarecrow. As one of that people so often, and sometimes so incorrectly, invoked, I dare assert that in this quarter we are prepared to give not only a fair but a cordial reception to any constitutional charter which may be agreed upon between the provincial and imperial authorities. We are well persuaded that neither will outstretch the reins of authority, and we are sanguine that neither will omit from the system the power of regulation and the guarantees of permanency. We repose, though not with shut eyes, all confidence in yourself and the gentlemen acting with you, that you will not sacrifice the hopes of all these provinces to the interested theories of superficial observers. Your coadjutor, Sir Etienne Tache, can give you many proofs in detail why French-speaking Canadians prefer

that the proposed union (their local institutions being religiously respected) should stand on a monarchical basis, and no other. The English-speaking people of Canada, Mr. Macdonald, are not conscious of having ceased to be British at heart, and they look hopefully to you and your associates that you do not deprive them of a free government, moulded on the British model, embracing a fair, well-balanced representation of the three long tried estates—the Crown, the Peerage, and the Commons. Of the methods by which this inheritance, with whatever unavoidable reductions, may be continued to us and our children I will not presume to speak; but this much, I hope, I may venture to say without offence, that the gentlemen who are to assemble at Quebec are understood to be for the most part Ministers of the crown from other colonies and invariably so on the part of Canada. This being so, it would be monstrous to suppose the interests of the crown in this part of her Majesty's possessions could be sacrificed by those who have been sworn of her Majesty's councils. Formerly, it was found necessary to move in the British House of Commons 'that the power of the crown had increased, was increasing, and ought to be diminished.' With us, for many years the exact converse is true—the power of the crown is diminishing, has diminished, and in my mind ought to be increased. For her Majesty's colonial councillors to unite their talents, regardless of their official responsibilities, is what, I am certain, they will never be guilty of. Rather, let us hope, they will approach their onerous task in the spirit of Lord Bacon, who, in opening the disquisition on

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governments already quoted, commences with—'but first of the King.' A minister, says Mr. Burke, in his 'thoughts on French affairs' (1791) ought not to be ambitious of the glory of a speculative writer. 'He is to support the interests of the public as connected with that of his master. He is his master's trustee, advocate, attorney, and steward—and he is not to be indulged in any speculation which contradicts that character or even detracts from its efficacy.' I dwell, sir, on this point lastly, because in a recent *pronunciamento* alleged to be 'semi-official,' I read a great deal that was said—and very properly said—about the rights and duties of the local and general legislatures under the proposed confederation, but scarce a word of the rights, pre-eminency, and prerogatives of the crown. If we are to have a republic of any pattern, at least let us have it without disguise; but if, on the contrary, we are to acclimatise and cultivate the essentials of monarchy among us, surely that estate is the first and not the last thing to be thought of in all your conferences."

No apology is made for the length of this extract. If the question is raised whither political events are hurrying a people, who may be more naturally called upon to answer than the most thoughtful among the people themselves? The composer of the letter just quoted is right, with respect to himself and thousands like him, but of all the eloquent appeals that he has made, the last few lines seem to strike most forcibly upon the ear. "In a recent *pronunciamento* pronounced to be semi-official, I read a great deal that was said—and very properly said—about the rights

and duties of the local and general legislatures under the proposed confederation, but scarce a word of the rights, pre-eminency, and prerogatives of the crown." Thinkers in far-away backwood settlements may read of greatness achieved by their English countrymen under a constitution the most free and most stable for which any people in any age have had to bless the Almighty Creator, and dream of the blessings that might still result from institutions which should check the evils to which unrestrained democracy is heir; but the workers of the political hive, creatures and exponents of the popular will, follow, it may be feared, to its inevitable result the bias of colonies towards a democracy. At the present time the constitution of British North America, though quite as free and almost as democratic as that of the United States, has one great advantage over them. The supreme power is not elective, but hereditary. The sovereign of the British empire, to quote the homely eloquence of 'Sam Slick,' "is the head of his people, not the nominee of a party, not supported, right or wrong, by the party that chose him, nor hated and oppressed, right or wrong, by t'other because they don't vote for him, but loved and supported by all because he is their king, and regarded by all with a feelin' we don't know nothin' of in our country, a feelin' of loyalty." *

Few persons can have watched the progress of a presidential election without regretting that the form of American institutions imposes upon them such an inconvenience: after four years of constant excite-

* Sam Slick, 272.

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ment, the deliberations of countless "caucuses," and interminable disputes, about the probability of carrying the "ticket" of one or other of a hundred parties, a second-rate man is after all elected because all parties are jealous of the best. The struggle begins again the day after the election, to last during the new President's four years of office, and to recommence once more on the morrow of his successor's election.

The monarchical government, under which the North-American colonies have made such wonderful advances in wealth and happiness, has hitherto saved them from the inconveniences to which their neighbours are subject. They are fully aware of the evils which would result from any change in their institutions; the loyalty towards our Queen and attachment to monarchy, which is so universally expressed throughout the British provinces, are real and genuine sentiments; they might endure, if they were not liable to be overmastered by more powerful agencies, which may thrust them aside. But a vigorous people cannot permanently remain even nominally under the dominion of a government different in character from its own; admirers of monarchical institutions may indeed be permitted to doubt, whether there is open to the Colonies any better way of escape from evils such as those which have culminated in the overthrow of civil liberty in America, than the establishment of a monarchy in alliance with that of England.

Placed as the colonies are, between Great Britain and the United States, they must eventually take

their form of government either from the one or from the other. The distance between virtual and actual independence is so small, that it is not safe to leave the question for future consideration. If we are to stand for any length of time in the same relation to one another, the colonies must advance in the direction of a monarchy, for England is intensely monarchical; more so, perhaps, than ever, in consequence of the lesson taught us by the check received by democratic institutions in America. If, on the other hand, they continue in their approach to republicanism, the want of sympathy between the two forms of government will become more apparent every day. The interests of British America point to drawing more closely the bonds which unite them to England: that policy would be strengthened and confirmed, if it were possible to place the new Union on a monarchical basis; it must be endangered by placing it on a republican one.

If such an idea should take firm possession of the mind of British Americans, a means might thereby be found by which all that was real in loyalty, and respectable in talent throughout that country, might co-operate with us in retaining a connection which all Englishmen value, and which all would retain for ever, if they only could see the way to do so. There are, no doubt, great difficulties in the way. There is at present no class, between that of the Prince and the great body of the people, in possessson of titles, lands, wealth, and leisure: it would not be possible, even were it desirable, in a young society, to create such a class. All European aristocracies are feudal,

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based on land, and in possession of distinctions which have been handed down by hereditary descent from remote generations. In our Constitutional Monarchy, that class is an advantage; it offers materials for that kind of governmental check, the want of which is supplied in democracies by Upper Chambers, elected for longer periods and from wider constituencies than the ordinary representatives of the people. The British-American federation proposes that such a chamber should be appointed by the crown for life. To create a titled nobility, such as that of Europe, might be a dangerous experiment, and would certainly involve an anachronism; but new forms must be adapted to new requirements; and, even if it were found impossible to establish a nobility on a non-feudal basis, as wealth increased with time, the want of an hereditary aristocracy would be less sensibly felt, in consequence of the increasing number of educated and wealthy men from among whom the Upper Chamber might be recruited.

A constitutional monarchy is the only form of government which the experience of the world has proved capable of securing the liberties of a people, and, at the same time, of rendering its institutions stable; in a word, of combining liberty and order. This is the form of government to which England, Italy, Belgium, Portugal, republican Holland, and Sweden have been brought, after much suffering and great vicissitudes. The question to be solved is, whether Canada and the maritime provinces have it in their power to secure this great political blessing for themselves: the germ of it already exists in the

institutions to which they have become accustomed. The English connection would support their government till time had given it consistency. No government, no institutions can be stable, in which the executive is weak, and in which the conservative element has not a just and fitting representative. In a constitutional monarchy the crown is possessed of great powers, because these powers are necessary to the well-being of the country; but as they are all determined beforehand by the law, and can only be exercised according to law; and as the ministers of the crown are responsible for the legal exercise of them, the means of becoming despotic, as well as the temptation to become so, are wholly destroyed and have no room for existence; consequently, in a constitutional monarchy, there is no fear of the crown. A monarchy would lend itself as readily to the accomplishment of the object which the colonies are now striving to attain, as a federation. The problem to be solved is, how to form a government which would carefully protect what is general and national, but would not encroach upon what is provincial. British America believes she has found the solution in a federal form of government; but a monarchy would be more efficient to this end than a republic, because, while a monarchical government is more prompt in emergency, and holds men more firmly to a strict observance of the laws than a republic, it does not of necessity, any more than a republic, absorb all provincial and local authority; on the contrary, a constitutional monarchy must leave the administration of provincial matters in provincial hands: it is so in

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England; it is eminently so in Brazil. And thus, if a monarchy were founded, of which the Canadas and the maritime provinces were part, there could be no difficulty in intrusting to the local governments those interests which ought rightly to be dealt with by them.

It is not easy to see by what other way than by the adoption of a form of government similar to our own, the connection between England and British America can be placed on a lasting basis: the present tie is more imaginary than real, and the vast increase in national importance which will ensue from the federation of the provinces, must diminish even the amount of security which now exists. The proposal for a monarchy comes, as we have seen, from among the colonists themselves; it must by no means be taken as the panacea which the writer of these pages would recommend for the existing evil. It is fair to state the obvious advantages of such a course, and to point out that by no other means can the manifold disadvantages be avoided, of placing at the head of the state an elective first magistrate, who, unless he were chosen for life, and so virtually become a king, must always remain the representative of the party who bore him on their shoulders to power, and a mark for the hostility of those who voted against him.

The writer has now described the overflow of Europe by which the waste places of America were filled; the crimes and errors by which the glorious heritage was lost. He has tried to prove that in the territory now ruled by England the same natural

causes are at work which have already parted six great nations from their Colonies. Ultimate separation between this country and British America is inevitable, but according to our conduct now it may be hastened or indefinitely postponed. It depends upon us whether separation, when it comes, shall furnish to our children a subject of bitter regret or of heartfelt thankfulness: God grant that we may be wise in time, and deal with our transatlantic brethren as freemen should deal with freemen. This is the plain duty of England: to say no word which might embitter separation. To recognize as a high and holy thing the duty of conferring an independent existence upon a nation of our own kindred. To shrink from no expenditure of treasure or of blood which may be necessary for the purpose of carrying out engagements made with our colonies, of protecting them from their enemies, or of defending them from the consequences of any danger in which imperial policy may have involved them. To form with them, if they leave the mother's side, the firmest friendship; to throw over them in the most effectual manner the ægis of English protection. Few there are who would not, if it were possible, elect rather to "bear the ills we have than fly to others that we know not of." Few would not wish to retain till the end of time a connection between England and her Colonies, under which the Mother-country has become great among the nations of the earth, and the Colonies have increased in peace, in prosperity, and in happiness: but, if the Statesmen of our time perceive that the inevitable time has come when the Colonies can be

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Colonies no longer, and "Nature has pronounced them free," it only remains to arrange the parting on terms so just to both, that, as long as the land endures and the waters roll, there may be peace between them.

THE END.

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